

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHARLES CHATHAM, WILLIAM HURST,	)	
DAVID HAZARD, WILLIAM BEANBLOSSOM,	)	
JOHN S. BERTRAND, JANETT FOSTER, JIM	)	MDL-1703
ROONEY, NEOMA MANION, GARY LARSON,	)	No. 05 C 2623
CAROL GENZANO, CHARLES VELEZ,	)	
LARRY STEVEN ANDERSON, JR, ARLENE	)	Judge John F. Grady
BROWN, SUSAN SYBENGA, MICHAEL	)	
HOLLENBECK, HEATHER PISTORIUS,	)	<b>JURY TRIAL DEMANDED</b>
KATHRYN DESAUTELL, BART WRIGHT, and	)	
TAMMY CYR, individually and on behalf of all	)	
others similarly situated,	)	

Plaintiffs,

v.

SEARS, ROEBUCK & CO.,

Defendant.

**AMENDED CONSOLIDATED CLASS ACTION COMPLAINT**

Plaintiffs, by their attorneys, bring this action against defendant Sears, Roebuck & Co. (“Sears” or “Defendant”), individually and on behalf of all others similarly situated, and allege the following upon information and belief based upon, *inter alia*, Defendant’s advertisements, websites and other publicly available materials and an investigation by their counsel, except for those allegations which pertain to Plaintiffs and their attorneys, which allegations are based upon personal knowledge:

**NATURE OF ACTION**

1. This class action is brought under: the Illinois Consumer Fraud and Deceptive Business Practices Act (“Illinois Consumer Fraud Act”), 815 ILCS 505/1 *et seq.*, or in the

alternative, the consumer fraud and deceptive business practice acts of other states and the District of Columbia; the Illinois Deceptive Trade Practices Act, 815 ILCS 510/1 *et seq.*, or in the alternative, the applicable deceptive trade practices acts of other states; and the Magnuson-Moss Warranty Act damages and for equitable relief as alleged herein.

2. Defendant Sears is a major marketer and retailer of tools sold under its proprietary Craftsman label. Sears Craftsman tools are nationally marketed, and Sears advertises and promotes the Craftsman brand, generally, as being made in the United States of America (“Made in USA”). In so doing, Sears is exploiting consumers’ patriotism and desire to employ workers at home, and is representing that all Craftsman tools are domestically made. The “Made in USA” claim by Sears regarding Craftsman is misleading to consumers because, in fact, many if not most Craftsman tools are not “Made in USA.” Rather, many Craftsman tools are foreign-made or contain significant foreign components, making the “Made in USA” claim deceptive.

3. Sears’ use of the “Made in USA” claim for Craftsman tools was designed to create an impression relating to its products. The use of “Made in USA” promotions also allowed Sears to sell Craftsman products at a price higher than it would otherwise be able to charge, and Plaintiffs and the class suffer damage thereby.

4. Defendant Sears has acknowledged the wrongfulness of its conduct by taking remedial steps in response to similar lawsuits filed around the country. Shortly after the first lawsuit alleging improper “Made in USA” claims was filed in New York Supreme Court on December 2, 2004, Sears began instructing employees to “black out” or “tape over” “Made in USA” claims on the Craftsman tools in its retail stores. However, the covering up of “Made in USA” did not completely eliminate the false representations, and millions of consumers had been, and continue to be, misled by the improper claims of country of origin.

## THE PARTIES

5. Plaintiff Charles Chatham is a citizen of the State of Alabama. Plaintiff Chatham has purchased hundreds of Craftsman tools from Sears' stores throughout the years, and has purchased several of them within three years prior to the commencement of this action. Those Craftsman tools include a hoe, axe, pitchfork, rake and other lawn and garden tools, as well as sockets, wrenches and other hand tools. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Chatham has seen and been exposed to that advertising. For example, he has seen Craftsman posters bearing the United States flag in Sears stores and promotions by Bob Vila. Many of Chatham's Craftsman tools have been labeled or stamped "USA," or contain some other similar designation of U.S. origin. At the time of purchase, Plaintiff Chatham believed that each Craftsman tool was made in the United States, and that belief was the primary factor in his decision to purchase Craftsman over any other brand. Plaintiff Chatham further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

6. Plaintiff William Hurst is a citizen of the State of Connecticut. Plaintiff Hurst has purchased many Craftsman tools from Sears' stores in Connecticut and in Florida, and has purchased many of them within three years prior to the commencement of this action. Those Craftsman tools include wrenches, compressors, a sand blaster, a shop wet/dry vacuum cleaner, a belt sander, screwdrivers, tool boxes, and a table saw. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Hurst has seen and been exposed to that advertising. For example, he has seen magazine advertisements, in store posters, the Craftsman website, Sears catalogs, and television advertisements. At the time of purchase, Plaintiff Hurst believed that each Craftsman tool was made

in the United States, and that belief was the primary factor in his decision to purchase Craftsman over any other brand. Plaintiff Hurst further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

7. Plaintiff David Hazard is a citizen of the State of Florida. Plaintiff Hazard has purchased hundreds of Craftsman tools from Sears' stores in New Jersey, Pennsylvania, Maryland, North and South Carolina, Texas, and Florida throughout the years, and has purchased some of them within three years prior to the commencement of this action. Those Craftsman tools include, for example, shovels, pick-axes, hoes, rakes, screwdriver sets, hammers, a circular saw, and drills. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Hazard has seen and been exposed to that advertising. For example, he has seen or heard the "Made in USA" advertising in television commercials with Bob Vila, in sales circulars, and from Sears store employees who were instructed and trained to market the tools as such. At the time of purchase, Plaintiff Hazard believed that each Craftsman tool was made in the United States, and that belief was the primary factor in his decision to purchase Craftsman over any other brand. Plaintiff Hazard further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

8. Plaintiff William Beanblossom is a citizen of Cook County, Illinois. Over the past ten years, Plaintiff Beanblossom heard advertisements for Craftsman products on the radio and saw advertisements for Craftsman products in magazines, newspapers, and on displays in stores, which led him to believe that all Craftsman products were "Made in USA." He also saw ads and banners placed in Sears stores touting the "Made in USA" claim. Plaintiff Beanblossom did not learn of the

allegations that Craftsman products have substantial parts or components made outside of the United States until shortly before filing this complaint. Plaintiff Beanblossom has purchased several Craftsman products over the years and within the last three years, and prior to any knowledge of Sears' manufacturing practices, Beanblossom purchased a Craftsman air compressor and believed it was "Made in USA". Recently, Beanblossom learned that the air compressor was made in China. The fact that he believed that Craftsman products were "Made in USA" was material to Beanblossom. He paid a premium price for these products and did not comparison shop because he wanted to buy American-made products. Plaintiff Beanblossom further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

9. Plaintiff John S. Bertrand is a citizen of the State of Illinois. Plaintiff Bertrand has purchased various Craftsman tools from Sears' stores in Illinois, and has purchased many of them within three years prior to the commencement of this action. Those Craftsman tools include hand tools, such as wrenches, sockets, screwdrivers, a hammer, and a saw. He has also purchased several power tools, including a circular saw and an electric drill. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Bertrand has seen and been exposed to that advertising. For example, he has visited Sears stores periodically. At the time of purchase, Plaintiff Bertrand believed that each tool was made in the United States. Plaintiff Bertrand further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

10. Plaintiff Janett Foster is a citizen of the State of Indiana. Plaintiff Foster has purchased many Craftsman tools from Sears' stores. The advertising for many of those tools,

specifically, and the Craftsman line, generally, stated “Made in USA,” and/or included depictions of the United States flag. Plaintiff Foster has seen and been exposed to that advertising. At the time of purchase, Plaintiff Foster believed that each tool was made in the United States, and that belief was the primary factor in her decision to purchase Craftsman over any other brand. Plaintiff Foster further alleges that, but for Sears’ material misrepresentations alleged herein, she would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices she paid for those tools.

11. Plaintiff Jim Rooney is a citizen of the State of Maine. Plaintiff Rooney has purchased many Craftsman tools from Sears’ stores in the states of Maine and Ohio, and has purchased several of them within three years prior to the commencement of this action. Those Craftsman tools include, for example, hand tools, ratchets, sockets, and an air compressor. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated “Made in USA,” and/or included depictions of the United States flag. Plaintiff Rooney has seen and been exposed to that advertising. At the time of purchase, Plaintiff Rooney believed that each tool was made in the United States, and that belief was the primary factor in his decision to purchase Craftsman over any other brand. Plaintiff Rooney further alleges that, but for Sears’ material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

12. Plaintiff Neoma Manion is a citizen of the State of Missouri. Plaintiff Manion has purchased many Craftsman tools from Sears’ stores. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated “Made in USA,” and/or included depictions of the United States flag. Plaintiff Manion has seen and been exposed to that advertising. At the time of purchase, Plaintiff Manion believed that each tool was made in the United States, and that belief

was the primary factor in her decision to purchase Craftsman over any other brand. Plaintiff Manion further alleges that, but for Sears' material misrepresentations alleged herein, she would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices she paid for those tools.

13. Plaintiff Gary Larson is a citizen of the State of Montana. Plaintiff Larson has purchased hundreds of Craftsman tools from Sears' stores in the states of Montana and Washington, and has purchased many of them within three years prior to the commencement of this action. Those Craftsman tools include a full set of hand tools containing open and closed end wrenches, sockets, and screwdrivers; three mechanics' tool chests and accessories such as mats for the chests; a two-cycle leaf blower; a pressure washer; a floor jack; and a four cycle lawn edger. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Larson has seen and been exposed to that advertising. For example, he has observed Sears' newspaper and television advertisements, and received Sears' catalogs advertising Craftsman products. He also has been a member of Sears' Craftsman tool club, and believes the membership card contained a phrase to the effect of "Made In The USA For The USA." At the time of purchase, Plaintiff Larson believed that each of his Craftsman tools were made in the United States. Plaintiff Larson further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

14. Plaintiff Carol Genzano is a citizen of the State of New Jersey. Plaintiff Genzano has purchased many Craftsman tools from Sears' stores in New Jersey and New York over the years, and has purchased some of them within three years prior to the commencement of this action. For example, Plaintiff Genzano has purchased open-end wrenches, box wrenches, pliers, and

screwdrivers. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated “Made in USA,” and/or included depictions of the United States flag. Plaintiff Genzano has seen and been exposed to that advertising. At the time of purchase, Plaintiff Genzano believed that each tool was made in the United States, and that belief was the primary factor in her decision to purchase Craftsman over any other brand. Plaintiff Genzano further alleges that, but for Sears’ material misrepresentations alleged herein, she would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices she paid for those tools.

15. Plaintiff Charles Velez is a citizen of the State of New York. Plaintiff Velez has purchased hundreds of Craftsman tools from Sears’ stores throughout the years, and has purchased several of them within three years prior to the commencement of this action. Those Craftsman tools include wrenches, screwdrivers, hammers, and a jack. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated “Made in USA,” and/or included depictions of the United States flag. Plaintiff Velez has seen and been exposed to that advertising. For example, he received a NASCAR “Race Guide” containing the words “CAN YOU NAME 1600 THINGS STILL MADE IN AMERICA?” in large print, followed by “Over 1,600 Craftsman hand tools are made in the U.S.A.” in small print. Many of Velez’s Craftsman tools have been labeled or stamped “USA,” or contain some other similar designation of U.S. origin. Plaintiff Velez is informed and believes, and thereon alleges that Sears materially misrepresented the country of origin and/or place of manufacture of Craftsman products that he purchased. At the time of purchase, Plaintiff Velez believed that each tool was made in the United States, and that belief was the primary factor in his decision to purchase Craftsman over any other brand. However, after learning of allegations that Craftsman tools are not all made in the United States, to Plaintiff Velez’s surprise, some of his Craftsman tools, including his jack, were found on post-purchase inspection to bear the word China

in small markings. Plaintiff Velez further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

16. Plaintiff Larry Anderson is a citizen of the State of North Carolina. Plaintiff Anderson has purchased hundreds of Craftsman tools from Sears' stores throughout the years, and has purchased many of them within three years prior to the commencement of this action. Those Craftsman tools include a floor jack, three battery chargers, ratchets, sockets, wrenches, hammers and other hand tools, air tools and accessories, electrical tools and accessories, and a shovel, rake, hoe, garden hose and other lawn and garden tools. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Anderson has seen and been exposed to that advertising. For example, he has seen the phrase "Create the ultimate American-made tool collection without duplication" in a Sears catalogue. Many of Plaintiff Anderson's Craftsman tools have been labeled or stamped "USA," or contain some other similar designation of U.S. origin. At the time of purchase, Plaintiff Anderson believed that each Craftsman tool was made in the United States, and that belief was the primary factor in his decision to purchase Craftsman over any other brand. However, after learning of allegations that Craftsman tools are not all made in the United States, to Plaintiff Anderson's surprise, some of his Craftsman tools, including all four of his Craftsman digital volt-ohm meters and several of his Craftsman pliers, were found on post-purchase inspection to bear the word "China" in small markings. Plaintiff Anderson further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

17. Plaintiff Arlene Brown is a citizen of the State of Oklahoma. Plaintiff Brown has purchased Craftsman tools from Sears' stores, and has purchased at least one of them, a lawn mower, within three years prior to the commencement of this action. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Brown has seen and been exposed to that advertising. At the time of purchase, Plaintiff Brown believed that each tool was made in the United States, and that belief was the primary factor in her decision to purchase Craftsman over any other brand. Plaintiff Brown further alleges that, but for Sears' material misrepresentations alleged herein, she would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices she paid for those tools.

18. Plaintiff Susan Sybenga is a citizen of the State of Oklahoma. Plaintiff Sybenga has purchased many Craftsman tools from Sears' stores. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Sybenga has seen and been exposed to that advertising. At the time of purchase, Plaintiff Sybenga believed that each tool was made in the United States, and that belief was the primary factor in her decision to purchase Craftsman over any other brand. Plaintiff Sybenga further alleges that, but for Sears' material misrepresentations alleged herein, she would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices she paid for those tools.

19. Plaintiff Michael Hollenbeck is a citizen of the State of Oregon. Plaintiff Hollenbeck has purchased many Craftsman tools from Sears' stores in Washington and in Oregon throughout the years, and has purchased many of them within three years prior to the commencement of this action. Those Craftsman tools include a tool set, automotive tools, and hand tools such as screwdrivers. The

advertising for many of those tools, specifically, and the Craftsman line, generally, stated “Made in USA,” and/or included depictions of the United States flag. Plaintiff Hollenbeck has seen and been exposed to that advertising. For example, he has seen catalogs, newspapers, and television advertisements giving him the impression that Craftsman tools were “Made in USA”. As a result, he associates the name “Craftsman” with “Made in USA”. At the time of purchase, Plaintiff Hollenbeck believed that each tool was made in the United States, and that belief was the primary factor in his decision to purchase Craftsman over any other brand. Plaintiff Hollenbeck was surprised and concerned to learn of allegations that Craftsman tools are not all made in the United States. Plaintiff Hollenbeck further alleges that, but for Sears’ material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

20. Plaintiff Heather Pistorius is a citizen of the State of Pennsylvania. Plaintiff Pistorius has purchased many Craftsman tools from Sears’ stores throughout the years, and has purchased nearly all of them within three years prior to commencement of this action. Those Craftsman tools include hammers, wrenches, a lawnmower, a utility light, a weedwacker, and several screwdrivers. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated “Made in USA,” and/or included depictions of the United States flag. Plaintiff Pistorius has seen and been exposed to that advertising. For example, Plaintiff Pistorius has viewed Craftsman “Made in USA” images on the Sears, Craftsman and NASCAR websites, including the website described *infra*, and has viewed a number of flyers in which Sears promotes Craftsman products as “Made in USA.” Many of Pistorius’ Craftsman tools have been labeled or stamped “USA,” or contain some other similar designation of U.S. origin. At the time of purchase, Plaintiff Pistorius believed that each tool was made in the United States, and that belief was the primary factor in her decision to purchase

Craftsman over any other brand. However, after learning of allegations that Craftsman tools are not all made in the United States, to Plaintiff Pistorius' surprise, some of her Craftsman tools, including all of the tools mentioned above, were found on post-purchase inspection to bear the word "China" in small markings. Moreover, some of those tools contained contradictory country of origin claims, saying that they were "Made in USA" in one place, but marked "China" in another. Plaintiff Pistorius further alleges that, but for Sears' material misrepresentations alleged herein, she would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices she paid for those tools.

21. Plaintiff Kathryn DeSautell is a citizen of the State of Texas. Plaintiff DeSautell has purchased thousands of dollars worth of Craftsman tools from Sears' stores. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff DeSautell has seen and been exposed to that advertising. At the time of purchase, Plaintiff DeSautell believed that each tool was made in the United States, and that belief was the primary factor in her decision to purchase Craftsman over any other brand. However, after learning of allegations that Craftsman tools are not all made in the United States, Plaintiff DeSautell was surprised to find that some of her Craftsman tools bore a stamp reading "Japan." Plaintiff DeSautell further alleges that, but for Sears' material misrepresentations alleged herein, she would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices she paid for those tools.

22. Plaintiff Bart Wright is a citizen of the State of Utah. Plaintiff Wright has purchased many Craftsman tools from Sears' stores in Utah, including ratchets, wrenches, sockets and screwdrivers, and has purchased several of them within three years prior to commencement of this action. The advertising for many of those tools, specifically, and the Craftsman line, generally,

stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Wright has seen and been exposed to that advertising. For example, his Craftsman sockets bear "Made in USA" markings. At the time of purchase, Plaintiff Wright believed that each Craftsman tool was made in the United States, and that belief was the primary factor in his decision to purchase Craftsman over any other brand. Plaintiff Wright further alleges that, but for Sears' material misrepresentations alleged herein, he would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices he paid for those tools.

23. Plaintiff Tammy Cyr is a citizen of the State of Wisconsin. Plaintiff Cyr has purchased many Craftsman tools from Sears' stores throughout the years, and has purchased several of them within three years prior to commencement of this action. Those Craftsman tools include ratchets, wrenches, screwdrivers, center punches, roll punches and breaker bars. The advertising for many of those tools, specifically, and the Craftsman line, generally, stated "Made in USA," and/or included depictions of the United States flag. Plaintiff Cyr has seen and been exposed to that advertising. For example, Plaintiff Cyr has viewed multiple "Made in USA" claims and United States Flag images on Craftsman posters and merchandise racks inside of Sears stores. Many of Plaintiff Cyr's Craftsman tools have been labeled or stamped "USA," or contain some other similar designation of U.S. origin. At the time of purchase, Plaintiff Cyr believed that Craftsman each tool was made in the United States, and that belief was the primary factor in the decision to purchase Craftsman over any other brand. However, after learning of allegations that Craftsman tools are not all made in the United States, to Plaintiff Cyr's surprise, some of her Craftsman tools were found on post-purchase inspection to bear Canadian patent numbers. Moreover, on information and belief, some of her steel tools including some of her ratchets, wrenches and screwdrivers, are made of steel of foreign origin. Plaintiff Cyr further alleges that, but for Sears' material misrepresentations alleged

herein, she would not have purchased Craftsman tools in the first instance, and/or not at the inflated and premium prices she paid for those tools.

24. Defendant Sears is a corporation organized and existing under the laws of the State of New York, and maintains its principal place of business at 3333 Beverly Road, Hoffman Estates, Illinois 60179.

25. Sears owns and operates a nationwide chain of retail department stores which sell tools. Sears also owns and operates a chain of hardware stores which sells tools, and additionally sells tools through catalogues, television advertising, and the internet.

26. Sears National Customer Relations is located in Hoffman Estates, IL. Sears manages its “Craftsman Club” membership and consumer inquiries from phone banks in Illinois.

#### **VENUE AND JURISDICTION**

27. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(d)(2), which provides federal district courts with original jurisdiction over civil actions in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interests and costs, and is a class action in which “any member of a class of plaintiffs is a citizen of a state different from any defendant.”

28. Venue properly lies in the Northern District of Illinois pursuant to 28 U.S.C. § 1391(b).

#### **SUBSTANTIVE ALLEGATIONS**

29. Sears has sold its Craftsman line of tools for over seventy years. Craftsman tools now generate approximately \$4 billion in annual sales.

30. Craftsman tools are represented by Sears to be made to high quality standards. Sears represents that the tools are made to professional standards and seeks to differentiate them from cheaper, lower quality tools, many of which today are made in foreign countries.

### **Sears' Advertising**

31. Sears advertises its line of Craftsman tools, generally, as "Made in USA." Many Craftsman tools are also individually labeled "Made in USA," or bear similar designations such as "Made in America," "USA" or the United States flag. Sears' deceptive marketing campaign, touting Craftsman tools as "Made in the USA," was created and run from Illinois. Young & Rubicam, ABD Group, and Ogilvy & Mather (through its Illinois-headquartered subdivision, A. Eicoff & Company) have each handled an aspect of Sears' advertising or public relations. ABD Group is located in Chicago, Illinois and both Ogilvy & Mather and Young & Rubicam have Chicago offices.

32. Sears catalogs, which bear a Hoffman Estates, Illinois return address, are disseminated to consumers nationwide. These catalogs have repeatedly claimed that Craftsman tools are "Made in USA".

33. An example of Sears' Craftsman "Made in USA" advertising in periodicals appeared in the April 2002 issue of *Popular Mechanics*. In that advertisement, a Craftsman tool is pictured under a headline stating:

MADE IN AMERICA.  
BECAUSE YOU NEED SOMETHING TO  
FIX THE THINGS THAT AREN'T.

See Exhibit A1.

34. A similar advertisement ran in the January and November 2001 issues of *Popular Mechanics*. The 2001 ads contain a photograph of Craftsman tools arranged to look like the American flag, with sockets representing stars, and wrenches representing stripes. Above and below the photograph, it says:

LIFE, LIBERTY AND THE  
PURSUIT OF MORE TOOLS

1,800 CRAFTSMAN HAND TOOLS.

MADE IN AMERICA. GUARANTEED FOREVER! On the racetrack or in your driveway, the innovative quality and design of Craftsman American made mechanic's hand tools keep getting better so you can work smarter, faster and easier. Wrenches & sockets that grip tight without stripping. Quick-release ratchets that bust open stubborn fasteners even in those hard-to-reach places. Craftsman tools. Quality that has earned a trusted place in America's tool boxes for 70 years.

See Exhibit A2.

35. Subsequent issues of *Popular Mechanics* contained additional Craftsman advertisements invoking patriotic themes. For example, the Craftsman logo appears in bold adjacent to photographs of the St. Louis Arch (in August 2002 and November 2003, see Exhibit A3); the Statue of Liberty (in September 2002, see Exhibit A4); and the Golden Gate Bridge (in April 2002 and October 2003, see Exhibit A5).

36. The September 2004 issue of *Popular Mechanics* contained another Craftsman advertisement. This ad reads:

CAN YOU NAME 1600 THINGS STILL MADE IN AMERICA?  
Over 1,600 Craftsman® hand tools are made in the U.S.A. and guaranteed forever. They're also full of Craftsman ingenuity. Take our adjustable Reflex Wrench. Thanks to its reflexing head, you don't have to reposition it after every turn. So check out over 1,600 hand tools and get guarantee details at Sears or Sears Hardware Stores. Or go online at craftsman.com.

37. Advertisements for Craftsman appearing in the March 2001 and March 2002 issues of *Popular Mechanics* also expressly make the "Made in USA" claim.

38. The display racks that Craftsman tools are sold from tout "Made in USA" claims.

39. The Craftsman website also claims its tools are "Made in USA." That website contains a vibrant image of the American flag with the words "why Craftsman" superimposed on the

flag. Next to the flag is the headline “Why You Made Craftsman #1.” Under this heading is a subheading, with unqualified language that reads “Made in the USA.” This “Made in USA” subheading links the reader to a new page, also emblazoned with the American Flag, as well as a red, white and blue “Made in USA” symbol above a paragraph that states:

**Craftsman quality. Made in America.**

Since 1926, Craftsman has been one of the most respected brands in the world. The quality and dependability of Craftsman tools can be directly attributed to the thousands of American workers who have provided their skills and dedication to the setting, maintaining and expanding the high standards of Craftsman quality.

40. Visitors to the Craftsman home page were originally linked directly from the home page to the page with the emblazoned flag and the “Made in the USA” language (the “Why Craftsman” page) through a red bar at the top of the home page labeled “Why Craftsman.” On this original version of the “Why Craftsman” page, the subheading entitled “Made in the USA” was followed by qualifying language indicating that “[o]ver 55,000 Americans, in over 100 towns across the country, work together to produce 80 % of the over 5,100 Craftsman tools.” See Exhibit A6.

41. By early January 2005, *i.e.*, less than one month after the filing of the first lawsuit alleging that Sears’ claims were misleading, Sears altered the Craftsman website. The qualifying language under the “Made in the USA” subheading was removed. As a result, the website no longer indicated what percentage of Craftsman tools, if any, were made in the United States. See Exhibit A7.

42. Yet another change to the website occurred by mid-March 2005. The “Why Craftsman” link contained in the red bar on the Craftsman home page was removed altogether. The “Why Craftsman” page containing the unqualified “Made in the USA” language could still be accessed, however, by clicking on the “Learn more” link at the bottom right corner of the Craftsman home page. See Exhibit A8.

43. Sears' website, which promotes the deceptive "Made In USA" marketing campaign, was created in and is maintained in Illinois. The terms and conditions governing consumers' use of the website state that "By accessing and using this Website, you agree that your access and use of this Website is subject to the Terms and Conditions, and all applicable laws, as governed by the laws of the State of Illinois, without giving effect to any principles or conflicts of laws."

44. The Craftsman website also allows a consumer to request Craftsman tools catalogs, which are distributed to consumers out of Manteno, Illinois.

45. With such advertising, Sears imbues the entire brand with the "Made in USA" attribute. Sears enhanced such branding when it facilitated and provided footage for the broadcast of "John Ratzenberger's Made In America – Craftsman Tools." This television show first aired on the Travel Channel on January 27, 2004, and has re-aired at least thirteen more times including as recently as April 29, 2005. Sears' advertising agency Ogilvy & Mather also provided footage for the making of this program.

46. "John Ratzenberger's Made In America – Craftsman Tools" was filmed in part at a plant in Springfield, Massachusetts where some Craftsman tools are made. In the episode, it is stated that over 55,000 Americans make Craftsman Tools. Throughout the program, it is implied that the Craftsman brand equates with "Made in USA". Nothing in the program reveals that Craftsman tools are also manufactured in foreign countries.

47. Similarly, on information and belief, Sears provides on-line training to its employees, and during that online training, employees are taught to promote Craftsman tools, generally, as "Made in USA" in order to sell more of them.

48. On information and belief, the verbal representations of Sears salespersons to the effect that Craftsman tools are “Made in USA” have been pursuant to Sears marketing programs and/or training.

49. Sears claims that its Craftsman tools are “Made in USA” for its own competitive advantage and to exploit consumers’ patriotism. Consumers’ willingness to pay a premium for items they believe to be of United States origin is well documented. Consumers, including Plaintiffs and the Class, will pay and have paid inflated prices for Craftsman tools that are claiming “Made in USA,” rather than purchasing cheaper tools, based upon their belief that tools “Made in USA” are of higher quality and because of their preference to buy domestically produced goods and support the American economy.

50. Craftsman tools, however, are produced with substantial foreign parts. For example, Sears sold axes labeled “Made in USA.” In fact, the forged metal heads of the axes are imported from China. Labeling the axes as “Made in USA” is deceptive because the metal head, the most substantial component of the tool, that which makes it an ax, is in fact of Chinese origin.

51. Sears has sold hoes, axes, mauls, sledge hammers, pitchforks, mattocks, rakes and tree pruning blades prominently marked as “Made in USA,” though the tools are from other countries.

52. For example, Craftsman hoes labeled “Made in USA” and sold by Sears were made also in China. The word “China” is diesunk into the metal, the core part of the tool. See Exhibit B.

53. Craftsman double-sided axes labeled “Made in USA” and sold by Sears had heads with the word “China” diesunk into them and plastic handles engraved “China.” Thus, both parts were not U.S. made despite labeling, which said “Made in USA.” See Exhibit C.

54. Craftsman splitting mauls bearing “Made in USA” stickers sold by Sears were made in Mexico. On the same mauls, the rubber sleeves that wedge between the head and the handle for a snug fit, read “Made in China.” The “Made in USA” claim on the stickers was false and misleading. See Exhibit D.

55. Craftsman sledge hammers sold by Sears also had “Mexico” diesunk on the underside of the metal heads. The rubber sleeves say “Made in China.” See Exhibit E.

56. Craftsman pitchforks labeled “Made in USA” and sold by Sears actually had their metal heads, where the tongs are, marked “Austria.” Touting them as “Made in USA” was false and misleading. See Exhibit F.

57. Craftsman forked hoes having four teeth were sold by Sears and labeled “Made in USA” but had “Austria” diesunk on the metal heads. Clearly, the core parts were made in Austria. See Exhibit G.

58. Craftsman garden mattocks were labeled “Made in USA” and sold by Sears, although “H.F. India” was diesunk into the metal heads. See Exhibit H.

59. Craftsman wood-handled metal rakes were sold by Sears bearing “Made in USA” labels, but “China” was diesunk into the metal heads. See Exhibit I.

60. Craftsman short-handled heavy duty pitch forks, sold by Sears, were labeled “Made in USA,” while “Austria” was clearly diesunk into the metal heads. See Exhibit J.

61. Craftsman tree prune saw blades sold by Sears were labeled “Made in USA,” while on the metal heads they were marked “Denmark.” See Exhibit K.

62. This practice has been continuing. In March 2005, Craftsman pick mattocks sold by Sears were labeled “Made in USA” while the metal head had “India” diesunk in it. See Exhibit L.

63. In late April 2005, Sears carried Craftsman Auto-Loading Multi Bit Screwdrivers containing handle and 6 Hex Bits had a stamp indicating that product is made in Canada. The same product was advertised in a store poster, however, as "Made in USA," not Canada. See Exhibit M.

64. The laws of Illinois and other states, and federal law, recognize that false statements of origin are misleading and actionable. *See, e.g.*, 815 ILCS 510/2(a)(4); 15 U.S.C. § 1125(a)(1). The Federal Trade Commission ("FTC" or "Commission") has publicized its view that such labeling is improper:

In December 1997, after a comprehensive policy review, the FTC concluded that "Made in USA" advertising and labeling claims must continue to conform to the "all, or virtually all," standard that traditionally has been applied by the Commission. Under this standard, unqualified U.S. origin claims must be substantiated by evidence that a product is "all, or virtually all," made in the United States. In addition, the agency issued an Enforcement Policy Statement outlining the factors the Commission will consider in determining whether a U.S. origin claim is "deceptive." In December 1998, the FTC issued a new business guide: "Complying with the Made in USA Standard."

FTC Press Release, Jore Corporation Agrees to Settle FTC Charges of Making Misleading "Made in USA" Claims, February 6, 2001.

65. Jore Corporation ("Jore") is a manufacturer and supplier of Craftsman tools. In February 2001, Jore agreed to settle FTC charges of making misleading "Made in USA" claims. In the FTC's complaint against Jore, the Commission specifically alleged that the Craftsman Speed-Lok, 7/16" Hex Shank Wood Boring Bit (1/2"), among other tools, was improperly labeled "Made in USA." Thus, Sears must be aware that its own misrepresentations about the country of origin of Craftsman tools also violate FTC standards.

66. Sears has represented that its line of Craftsman tools are "Made in USA," *i.e.*, that all, or virtually all, of the component parts of the products are made in the United States, and the labor in manufacturing the products is performed in the United States. According to Plaintiffs and under the

FTC guidelines, these representations were false or misleading because these products were actually made with significant foreign components.

67. FTC guidelines also prohibit Sears from implying the entire Craftsman line is “Made in USA” as it does. According to the guidelines, “manufacturers and marketers should not indicate, either expressly or implicitly, that a whole product line is of U.S. origin when only some products in the product line are made in the U.S. according to the ‘all or virtually all’ standard.” *See* <http://www.ftc.gov/bcp/conline/pubs/buspubs/madeusa.htm>. One might think the FTC is describing Sears Craftsman advertising itself when the FTC states:

In identifying implied claims, the Commission focuses on the overall impression of the advertising, label, or promotional material. Depending on context, U.S. symbols or geographic references (for example, U.S. flags, outlines of U.S. maps, or references to U.S. locations of headquarters or factories) may convey a claim of U.S. origin either by themselves, or in conjunction with other phrases or images.

*Id.*

68. As such, Sears’ promotion of Craftsman tools with “Made in USA” designations, American flags and other patriotic representations are false or misleading and violate FTC and other standards because Craftsman products are actually made with significant foreign components.

### **Sears’ Cover-Up**

69. Shortly after the December 2, 2004 filing in New York Supreme Court of the first lawsuit alleging that Sears’ “Made in USA” labeling was false and misleading, Sears began to alter the manner in which it advertises and labels its Craftsman tools.

70. On information and belief, Sears issued a memorandum from its Illinois headquarters to its sales managers. In that memorandum, the sales managers were directed to instruct their employees to obliterate false “Made in USA” claims on Craftsman tool labels, either by taping over those false claims or using markers to black them out.

71. Sears employees have complied with the memo from headquarters at many store locations.

72. For example, a Craftsman 4-in-1 Reversible Screwdrivers with bit sizes P1, P2, 3/16, 1/4-in. sold by Sears had packaging with the phrase “Made in USA” blackened over on both the font and the back of the label. See Exhibit N.

73. A Craftsman soil cultivator sold by Sears had the phrase “Made in USA” on the label and blackened over. The metal head had “Austria” diesunk in it. See Exhibit O.

74. On information, belief and observation, the blackening or labeling over the “Made in USA” representations has occurred across the country. Such alterations of the “Made in USA” designations has been observed at:

- (a) Sears at Sunvalley Mall, 1001 Sunvalley Boulevard, Concord, California;
- (b) Sears at Hilltop Mall, 2300 Hilltop Mall Road, Richmond, California;
- (c) Sears at 3450 South Maryland Parkway, Las Vegas, Nevada;
- (d) Sears at Rockaway Town Square Mall, Rockaway, New Jersey;
- (e) Sears at 5137 Nesconset Highway, Port Jefferson, New York;
- (f) Sears at King of Prussia Mall, 160 North Gulph Road, King of Prussia, Pennsylvania;
- (g) Orchard Supply Hardware, 1024 Ashby Avenue, Berkeley, California;
- (h) Orchard Supply Hardware, 2050 Monument Boulevard, Concord, California;

and

- (i) Orchard Supply Hardware, 5525 West Sunset Boulevard, Los Angeles, California.

75. Plaintiffs seek equitable relief and actual economic damages on behalf of all Class members, including reimbursement for any and all economic damage sustained as a result of the misrepresentations described above.

### **TOLLING OF THE STATUTE OF LIMITATIONS**

76. Reasonable consumers rely on a manufacturer's representations in advertising and on labeling, and do not examine the product itself for indications that the manufacturer's representations are false. Thus, Plaintiffs and the Class neither knew nor should have known that Sears' Craftsman tools are not all "Made in USA," or that specific tools they purchased were not "Made in USA" until media coverage of the issue occurred shortly before the filing of this action.

### **CLASS ACTION ALLEGATIONS**

77. Plaintiffs brings this class action pursuant to Fed R. Civ. P. 23 on behalf of themselves and all members of the following class (the "Class"):

All persons and entities throughout the United States who purchased one or more Craftsman tool(s) which were not all or virtually all "Made in USA." Excluded from the Class are Defendant, its subsidiaries, parents, divisions, or affiliates, and its officers and directors.

78. Plaintiffs believe that there are hundreds of thousands of members of the Class as described above, though the exact number and the identities of the Class members are currently unknown to Plaintiffs.

79. The members of the Class are so numerous that joinder of all Class members is impracticable.

80. Common questions of law and fact exist as to all members of the Class and predominate over any questions affecting solely individual members of the Class. Among the questions of law and fact common to the Class are:

- (a) whether Sears violated the applicable state consumer fraud acts by committing the deceptive business practices alleged herein;
- (b) whether Sears was unjustly enriched by selling Craftsman tools as "Made in USA" when they were made elsewhere;
- (c) whether Sears misrepresented Craftsman tools' country of origin to create the impression they are of high quality and to exploit American consumers' patriotism;
- (d) whether the sales and promotional literature, advertisements, website and other information, disseminated to the public by Sears or its agents regarding its Craftsman tools, misrepresented material facts about the country of origin of those tools by claiming they were "Made in USA";
- (e) whether Sears' false representations were intended to create goodwill and garner additional sales for Sears and inflate the prices of Craftsman tools;
- (f) whether Sears acted willfully, recklessly or negligently in omitting and/or misrepresenting material facts about the country of origin of Craftsman tools; and
- (g) the proper measure of damages to the Class.

81. Plaintiffs' claims are typical of the claims of the other members of the Class as Plaintiffs and all members of the Class sustained damages arising out of Defendant's conduct in violation of the applicable consumer fraud acts, as complained of herein.

82. Plaintiffs will fairly and adequately represent and protect the interests of the Class. Plaintiffs have retained able counsel with extensive experience in class action litigation. The interests of Plaintiffs are coincident with and not antagonistic to the interests of the other Class members.

83. The questions of law and fact common to the members of the Class predominate over any questions affecting only individual members, including legal and factual issues relating to liability and damages.

84. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because joinder of all Class members is impracticable. Moreover, because the damages suffered by individual members of the Class may be relatively small, the expense and burden of individual litigation make it impossible for the members of the Class individually to redress the wrongs done to them. The Class is readily definable and prosecution of this action as a class action will eliminate the possibility of repetitious litigation. There will be no difficulty in the management of this action as a class action.

## **COUNT I**

### **DAMAGES UNDER THE ILLINOIS CONSUMER FRAUD ACT**

85. The preceding allegations are re-alleged and incorporated by reference as if fully set forth herein.

86. Plaintiffs and the Class are consumers within the meaning and coverage of the Illinois Consumer Fraud and Deceptive Business Practices Act (“Illinois Consumer Fraud Act”), 815 ILCS 505/1 et seq.

87. The Illinois Consumer Fraud Act provides:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or employment of any practice described in Section 2 of the “Uniform Deceptive Trade Practices Act,” approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful whether any person has in fact been misled, deceived or damaged thereby.

815 ILCS 505/2.

88. Because of its non-disclosure of material facts alleged above, Sears deceived and continues to deceive Plaintiffs and the other members of the Class. Sears' deceptive conduct occurred in the course of its engaging in trade or commerce.

89. By advertising and marketing its Craftsman tools in various media including broadcasts, website, and written promotional and other materials, Sears has intentionally attempted to mislead and has misled and continues to mislead consumers as to the country of origin of Craftsman tools as described above. Sears engaged in these deceptive acts and practices in order that Plaintiffs and the other members of the Class, in reliance thereof, would enter Sears' stores, purchase Sears' Craftsman tools and make other purchases at Sears' stores.

90. The unfair and deceptive trade acts and practices of Sears have directly, foreseeably and proximately caused damages to Plaintiffs and the other members of the Class. Sears' use of the "Made in USA" claim for Craftsman tools was designed to create an impression relating to its products. As a result, Sears sold Craftsman products at a price higher than it would otherwise have been able to charge.

91. Sears' actions and omissions to act, including the false and misleading express and/or implied representations and omissions of material fact regarding the country of origin of Craftsman tools, constitute acts, uses or employment by Defendant and its agents of deception, unconscionable commercial practices, false pretenses, false promises, misrepresentations, or the knowing concealment, suppression or omission of material facts with the intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of a product, in violation of the Illinois Consumer Fraud Act, making such deceptive acts and practices illegal.

92. Plaintiffs and members of the Class have been injured in their business and property by reason of Sears' unfair or deceptive acts alleged in this Count. Their injury consists of paying higher prices for Craftsman tools than they otherwise would have paid in the absence of these violations. This injury is of the type the Illinois Consumer Fraud Act was designed to prevent and directly results from Sears's unlawful conduct.

## **COUNT II**

### **INJUNCTIVE RELIEF UNDER THE ILLINOIS DECEPTIVE TRADE PRACTICES ACT**

93. The preceding allegations are re-alleged and incorporated by reference as if fully set forth herein.

94. Plaintiffs seek injunctive relief under the Illinois Deceptive Trade Practices Act, 815 ILCS 510/1 *et seq.*

95. The Illinois Deceptive Trade Practices Act provides that:

(a) A person engages in a deceptive trade practice when, in the course of his or her business, vocation, or occupation, the person:

\* \* \*

(2) causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services; [or]

\* \* \*

(4) uses deceptive representations or designations of geographic origin in connection with goods or services[.]

815 ILCS 510/2(a)(2) and (4).

96. Because of its non-disclosure of material facts alleged above, Sears deceived and continues to deceive Plaintiffs and the other members of the Class. Sears' deceptive conduct occurred in the course of its engaging in trade or commerce.

97. By advertising and marketing its Craftsman tools in various media including broadcasts, website, and written promotional and other materials, Sears has intentionally and willfully attempted to mislead and has misled and continues to mislead consumers as to the country of origin of Craftsman tools as described above. Sears engaged in these deceptive acts and practices in order that Plaintiffs and the other members of the Class, in reliance thereof, would enter Sears' stores, purchase Sears' Craftsman tools, and make other purchases at Sears' stores.

98. The unfair and deceptive trade acts and practices of Sears have directly, foreseeably and proximately caused damages to Plaintiffs and the other members of the Class.

99. Sears' actions and omissions to act, including the false and misleading express and/or implied representations and omissions of material fact regarding the country of origin of Craftsman tools causes a likelihood of confusion or of misunderstanding as to the source of its Craftsman tools and constitutes the use of deceptive representations or designations of geographic origin in connection with its Craftsman tools in violation of the Illinois Deceptive Trade Practices Act, making such deceptive acts and practices illegal.

### **COUNT III**

#### **DAMAGES AND/OR INJUNCTIVE RELIEF PURSUANT TO THE APPLICABLE CONSUMER FRAUD AND DECEPTIVE TRADE PRACTICE ACTS OF OTHER STATES**

100. The preceding allegations are re-alleged and incorporated by reference as if fully set forth herein.

101. This Count is pled in the alternative to Counts I and II. To the extent that there is a determination that the Illinois Consumer Fraud Act and/or the Illinois Deceptive Trade Practices Act is not applicable, Plaintiffs and the Class are also consumers within the meaning and coverage of

materially and substantially similar consumer fraud and deceptive trade practices statutes in other states (“Other State Consumer Fraud Protection and Deceptive Trade Practices Statutes”).

102. Other State Consumer Fraud Protection and Deceptive Trade Practices Statutes have materially and substantially similar provisions to 815 ILCS 505/2 *et seq.* and 815 ILCS 510/1 *et seq.*

(a) Sears engaged in unfair competition or deceptive acts or practices in violation of Ala. Code § 8-19-1 *et seq.*

(b) Sears engaged in unfair competition or deceptive acts or practices in violation of Alaska Stat. § 45.50.471 *et seq.*

(c) Sears engaged in unfair competition or deceptive acts or practices in violation of Ariz. Rev. Stat. § 44-1522 *et seq.*

(d) Sears engaged in unfair competition or deceptive acts or practices in violation of Ark. Code § 4-88-101 *et seq.*

(e) Sears engaged in unfair competition or deceptive acts or practices in violation of Cal. Civ. Code § 1770, *et seq.* and Cal. Bus. & Prof. Code §§ 17200, 17500 *et seq.*

(f) Sears engaged in unfair competition or deceptive acts or practices or has made false representations in violation of Colo. Rev. Stat. § 6-1-105 *et seq.*

(g) Sears engaged in unfair competition or deceptive acts or practices in violation of Conn. Gen. Stat. § 42-110b *et seq.*

(h) Sears engaged in unfair competition or deceptive acts or practices in violation of 6 Del. Code § 2511 *et seq.*

(i) Sears engaged in unfair competition or deceptive acts or practices or made false representations in violation of D.C. Code Ann. § 28-3901 *et seq.*

- (j) Sears engaged in unfair competition or deceptive acts or practices in violation of Fla. Stat. § 501.201 et seq.
- (k) Sears engaged in unfair competition or deceptive acts or practices in violation of Ga. Stat. § 10-1-392 et seq.
- (l) Sears engaged in unfair competition or deceptive acts or practices in violation of Haw. Rev. Stat. § 480 et seq.
- (m) Sears engaged in unfair competition or deceptive acts or practices in violation of Idaho Code § 48-601 et seq.
- (n) Sears engaged in unfair competition or deceptive acts or practices in violation of 815 Ill. Comp. Stat. §§ 505/1 et seq. and 510/2 et seq.
- (o) Sears engaged in unfair competition or deceptive acts or practices in violation of Ind. Code §24-5-0.5 et seq.
- (p) Sears engaged in unfair competition or deceptive acts or practices in violation of Iowa Code §714.16 et seq.
- (q) Sears engaged in unfair competition or deceptive acts or practices in violation of Kan. Stat. Ann. § 50-623 et seq.
- (r) Sears engaged in unfair competition or deceptive acts or practices in violation of Ky. Rev. Stat. § 367.110 et seq.
- (s) Sears engaged in unfair competition or deceptive acts or practices in violation of La. Rev. Stat. § 51:1401 et seq.
- (t) Sears engaged in unfair competition or deceptive acts or practices in violation of 5 Me. Rev. Stat. Ann. § 207 et seq.

- (u) Sears engaged in unfair competition or deceptive acts or practices in violation of Massachusetts General Laws Ch. 93A et seq.
- (v) Sears engaged in unfair competition or deceptive acts or practices in violation of Md. Com. Law Code § 13-101 et seq.
- (w) Sears engaged in unfair competition or deceptive acts or practices in violation of Mich. Stat. § 445.901 et seq.
- (x) Sears engaged in unfair competition or deceptive acts or practices in violation of M.S.A. § 3.25F.69 et seq. and M.S.A. § 325D.44 et seq.
- (y) Sears engaged in unfair competition or deceptive acts or practices in violation of Miss. Code Ann. § 75-24-1 et seq.
- (z) Sears engaged in unfair competition or deceptive acts or practices in violation of Mo. Ann. Stat. § 407.010 et seq.
- (aa) Sears engaged in unfair competition or deceptive acts or practices in violation of Mont. Code § 30-14-101 et seq.
- (bb) Sears engaged in unfair competition or deceptive acts or practices in violation of Neb. Rev. Stat. § 59-1601 et seq.
- (cc) Sears engaged in unfair competition or deceptive acts or practices in violation of Nev. Rev. Stat. §§ 41.600 and 598.0903 et seq.
- (dd) Sears engaged in unfair competition or deceptive acts or practices in violation of N.H. Rev. Stat. § 358-A:1 et seq.
- (ee) Sears engaged in unfair competition or deceptive acts or practices in violation of N.J. Rev. Stat. § 56:8-1 et seq.

- (ff) Sears engaged in unfair competition or deceptive acts or practices in violation of N.M. Stat. § 57-12-1 et seq.
- (gg) Sears engaged in unfair competition or deceptive acts or practices in violation of N.Y. Gen. Bus. Law § 349 et seq.
- (hh) Sears engaged in unfair competition or deceptive acts or practices in violation of N.C. Gen. Stat. §§ 75-1.1 et seq.
- (ii) Sears engaged in unfair competition or deceptive acts or practices in violation of N.D. Cent. Code § 51-15-01 et seq.
- (jj) Sears engaged in unfair competition or deceptive acts or practices in violation of Ohio Rev. Stat. § 1345.01 et seq.
- (kk) Sears engaged in unfair competition or deceptive acts or practices in violation of Okla. Stat. 15 § 751 et seq.
- (ll) Sears engaged in unfair competition or deceptive acts or practices in violation of Or. Rev. Stat. § 646.605 et seq.
- (mm) Sears engaged in unfair competition or deceptive acts or practices in violation of 73 Pa. Stat. § 201-1 et seq.
- (nn) Sears engaged in unfair competition or deceptive acts or practices in violation of R.I. Gen. Laws § 6-13.1-1 et seq.
- (oo) Sears engaged in unfair competition or deceptive acts or practices in violation of S.C. Code Laws § 39-5-10 et seq.
- (pp) Sears engaged in unfair competition or deceptive acts or practices in violation of S.D. Code Laws § 37-24-1 et seq.

(qq) Sears engaged in unfair competition or deceptive acts or practices in violation of Tenn. Code Ann. § 47-18-101 et seq.

(rr) Sears engaged in unfair competition or deceptive acts or practices in violation of Tex. Bus. & Com. Code § 17.41 et seq.

(ss) Sears engaged in unfair competition or deceptive acts or practices in violation of Utah Code § 13-11-1 et seq.

(tt) Sears engaged in unfair competition or deceptive acts or practices in violation of Vt. Stat. § 2451 et seq.

(uu) Sears engaged in unfair competition or deceptive acts or practices in violation of Va. Code § 59.1-196 et seq.

(vv) Sears engaged in unfair competition or deceptive acts or practices in violation of Wash. Rev. Code § 19.86.010 et seq.

(ww) Sears engaged in unfair competition or deceptive acts or practices in violation of W. Va. Code § 46A-6-101 et seq.

(xx) Sears engaged in unfair competition or deceptive acts or practices in violation of Wis. Stat. § 100.18 et seq.

(yy) Sears engaged in unfair competition or deceptive acts or practices in violation of Wyo. Stat. Ann. § 40-12-101 et seq.

103. Because of its non-disclosure of material facts alleged above, Sears deceived and continues to deceive Plaintiffs and the other members of the Class. Sears' deceptive conduct occurred in the course of its engaging in trade or commerce.

104. By advertising and marketing its Craftsman tools in various media including broadcasts, website, and written promotional and other materials, Sears has intentionally attempted

to mislead and has misled and continues to mislead consumers as to the country of origin of Craftsman tools as described above. Sears engaged in these deceptive acts and practices in order that Plaintiffs and the other members of the Class, in reliance thereof, would enter Sears' stores, purchase Sears' Craftsman tools and make other purchases at Sears' stores.

105. The unfair and deceptive trade acts and practices of Sears have directly, foreseeably and proximately caused damages to Plaintiffs and the other members of the Class. Sears' use of the "Made in USA" claim for Craftsman tools was designed to create an impression relating to its products. As a result, Sears sold Craftsman products at a price higher than it would otherwise have been able to charge.

106. Sears' actions and omissions to act, including the false and misleading express and/or implied representations and omissions of material fact regarding the country of origin of Craftsman tools, constitute acts, uses or employment by Defendant and its agents of deception, unconscionable commercial practices, false pretenses, false promises, misrepresentations, or the knowing concealment, suppression or omission of material facts with the intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of a product, in violation of the Other State Consumer Fraud Protection and Deceptive Trade Practices Statutes, making such deceptive acts and practices illegal.

107. Plaintiffs and members of the Class have been injured in their business and property by reason of Sears' unfair or deceptive acts alleged in this Count. Their injury consists of paying higher prices for Craftsman tools than they otherwise would have paid in the absence of these violations. This injury is of the type the Other State Consumer Fraud Protection and Deceptive Trade Practices Statutes were designed to prevent and directly results from Sears's unlawful conduct.

**COUNT IV**

**UNJUST ENRICHMENT**

108. The preceding allegations are realleged and incorporated by reference as if fully set forth herein.

109. By virtue of the foregoing, Sears has been unjustly enriched to the extent that it has inequitably and unlawfully received a monetary benefit from selling Craftsman tools to Plaintiffs and the other members of the Class. The total amount by which Sears has been unjustly enriched has not been ascertained at this time and will be proven at trial, but such damages are believed to be in the millions of dollars.

**COUNT VI**

**EQUITABLE RELIEF**

110. The preceding allegations are realleged and incorporated by reference as if fully set forth herein.

111. Plaintiffs and the other members of the Class seek the following equitable relief:

(a) That a judicial determination and declaration be made of the rights of Plaintiffs and the Class and the corresponding responsibilities of Defendant;

(b) That Defendant be declared financially responsible for the costs and expenses of providing restitution and refunds to Plaintiffs and the other members of the Class;

(c) That Defendant be ordered to give adequate descriptions of the country of origin of Craftsman tools, and that it be stopped and enjoined from making blanket claims that Craftsman tools are "Made in USA"; and

(d) That Sears be ordered to disgorge, for the benefit of the Class, its ill-gotten profits and to make full restitution to Plaintiffs and the other members of the Class.

## COUNT VII

### **VIOLATION OF THE MAGNUSON-MOSS WARRANTY ACT**

112. The preceding allegations are realleged and incorporated by reference as if fully set forth herein.

113. Defendant made representations in its advertising, on in-store banners and point of purchase displays, on its products and on some of its packaging that Craftsman tools were "Made in USA".

114. Pursuant to the Magnuson-Moss Warranty Act, 15 USC § 2301 *et seq.* these representations constitute warranties that said representations were in fact true.

115. The Magnuson-Moss Warranty Act provides for a civil action by consumers for failure to comply with its express warranties arising under state law. *See* 15 USC § 2310 (d)(1).

116. Defendant has breached its express warranties to Plaintiffs and the Class by selling its Craftsman tools as "Made in USA" and omitting and/or concealing that many of the tools or substantial component parts thereof were actually not "Made in USA".

117. Plaintiffs and the class members have been damaged by Defendant's breach of its express warranty obligations in that the referenced tools did not conform to their descriptions as "Made in USA".

**WHEREFORE**, Plaintiffs, on their own behalf and on behalf of the Class, pray for judgment, as follows:

- (a) Declaring this action to be a proper class action and certifying Plaintiffs as class representatives under Fed. R. Civ. P. 23;
- (b) Declaring that Sears has been misleading the members of the Class who purchased Craftsman tools;

(c) Awarding compensatory damages in favor of Plaintiffs and the other members of the Class against Sears for the actual damages sustained as a result of the wrongdoings of Defendant, together with interest thereon;

(d) Requiring Sears to disgorge any benefits obtained by it as a result of its conduct described herein;

(e) Declaring that Sears has breached its warranties that Craftsman products were "Made in USA" as to the members of the Class who purchased Craftsman tools;

(f) Enjoining Sears from continuing the illegal activities alleged herein;

(g) Awarding Plaintiffs and the other members of the Class reasonable attorneys' fees and experts' fees and the costs of this action together with all interest allowed by law in connection with the benefits obtained for the Class; and

(h) Granting such other and further relief as this Court deems just and proper.

**JURY DEMANDED**

Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated: December 21, 2005

By: s/ Barbara J. Hart

Barbara J. Hart

Kimberly Nelson

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2531 Hampton Ave.  
St. Louis, MO 63139

Michael T. George  
**THE LAW FIRM OF**  
**MICHAEL T. GEORGE, P.C.**  
2525 S. Brentwood Blvd., Suite 102  
St. Louis, MO 63144

*Additional Counsel for Plaintiffs*

## **Exhibit A1**

# MADE IN AMERICA.

## BECAUSE YOU NEED SOMETHING TO FIX THE THINGS THAT AREN'T.

There's something about a tool that's made in America. It just feels better in your hand. You can't wait and get to work. At we understand that

That's why we insist that over 1,800 hand tools are "Made in America." But we'd like to point out that, when you see those three mighty words on our hand tools, they do not just tell you where it was made. They tell you how it was made. Tools that are manufactured in the United States are not officially subject to

**SEARS**  
Where else?

the lofty standards of the American National Standards Institute. Compliance is voluntary. But at Craftsman we not only meet the strict standards of ANSI, we often exceed them. In fact,

to pick it up  
Craftsman®  
feeling.

we're so confident our hand tools are well made, every one comes with this guarantee: If

any hand tool ever fails to give you complete satisfaction, we'll repair or replace it free of

*Craftsman hand tools  
have to conform  
to some pretty high  
standards. Our  
country's. And our own.*

charge. So get your hands on the tools that are made by thousands of Americans all across the country. Craftsman. You'll find them at Sears or Sears Hardware Stores. Or you

can order them from home just by calling us at 1-800-437-9686 or visiting

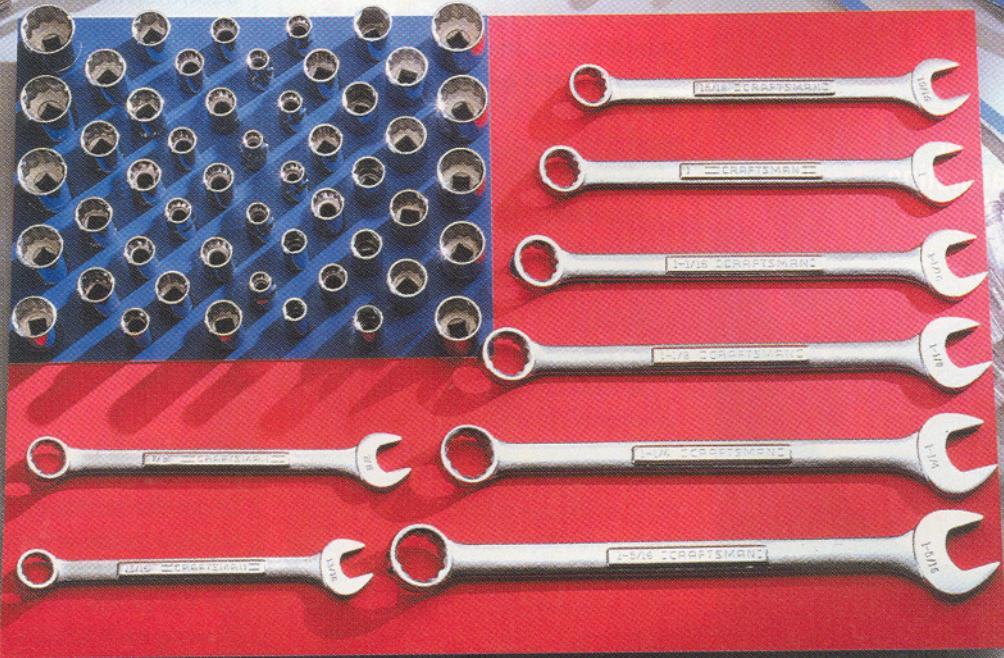
www.craftsman.com. Here, at Craftsman, we've been making hand tools since 1927. And we've gotten pretty good at it. In fact, if everything was made as well as our hand tools, there might not be anything to repair. And that wouldn't be any fun. Would it?



**CRAFTSMAN®**  
MAKES ANYTHING POSSIBLE®

## **Exhibit A2**

# LIFE, LIBERTY AND THE PURSUIT OF MORE TOOLS



## 1,800 CRAFTSMAN HAND TOOLS. MADE IN AMERICA. GUARANTEED FOREVER!

On the racetrack or in your driveway, the innovative quality and design of Craftsman American made mechanic's hand tools keep getting better so you can work smarter, faster and easier. Wrenches & sockets that grip tight without stripping. Quick-release ratchets that bust open stubborn fasteners even in those hard-to-reach places. Craftsman tools. Quality that has earned a trusted place in America's tool boxes for 70 years.

If any Craftsman guaranteed forever hand tool fails to provide complete satisfaction, return it for free repair or replacement.

**CRAFTSMAN®**  
MAKES ANYTHING POSSIBLE™

**SEARS**  
Where else?

## **Exhibit A3**



In 1947, the city of St. Louis hosted a design competition.

Its goal? A memorial to commemorate the westward

expansion of the United States. The winner was

architect Eero Saarinen's 630-foot-tall Gateway Arch. Construction on

the arch didn't start until 1963 but, when it did, the workmen were armed with two

things: Saarinen's majestic vision and our tools. At Craftsman®, however, we realize



*Our 3-D Sander  
is the perfect tool  
for sanding just  
about any curved  
surface.*

**CRAFTSMAN HELPED BUILD THE ST. LOUIS ARCH.**

**SO THAT CURVE IN YOUR TABLE LEG SHOULD BE NO PROBLEM.**

St. Louis isn't the only place one will find a curved surface. That's why we

**SEARS** Where else?™ introduced our 3-D Sander. It has three pivoting heads.

So it can easily handle the curved surfaces found in and around the house.

Craftsman — available at Sears. Since 1927, we've been providing Americans with

the right tools for the job. Whether they're restoring

a Queen Anne table. Or building a gateway to the West.

**CRAFTSMAN®**  
**75th ANNIVERSARY**

CELEBRATING 75 YEARS OF MAKING ANYTHING POSSIBLE.

## **Exhibit A4**



0

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In 1981, a special committee was formed to assess the

condition of the Statue of Liberty. What it found was

not encouraging. Both the copper surface and the

iron framework were badly in need of repair. (In fact, the statue's

torch needed to be replaced altogether.) But five years later, with the aid of some

very skilled laborers and quite a few Craftsman® tools, this symbol of our country's



*The Mini-T Drill.  
It's small, but  
can take on a job  
of just about  
any size.*

**CRAFTSMAN HELPED RESTORE THE STATUE OF LIBERTY.  
WE ALSO DO PROJECTS THAT COST \$230 MILLION LESS.**

freedom was looking better than ever. Now, we doubt you'll ever be faced with a job of this magnitude. But if something you own is in need of repair, we suggest

**SEARS** Where else?™ you pick up the Craftsman Professional Mini-T Drill. It's small, lightweight and can go places other drills can't. Craftsman — available at Sears.

Since 1927, we've been helping Americans get the job done right. No matter what the budget may be.

**CRAFTSMAN**  
**75th ANNIVERSARY**

*CELEBRATING 75 YEARS OF MAKING ANYTHING POSSIBLE.*

## **Exhibit A5**

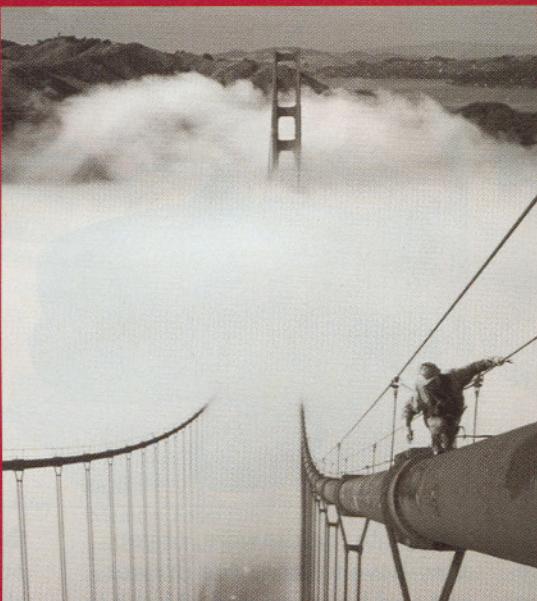
# OUR TOOLS HELP MAINTAIN THE GOLDEN GATE BRIDGE. THEY ALSO WORK WELL IN CONFINED SPACES.

The Golden Gate Bridge, designed by Joseph B. Strauss with consultation from architect Irving Morrow, connects the city of San Francisco to Marin County. And since May 28, 1938, when President Franklin D. Roosevelt announced the Golden Gate's opening to the world, it has been Craftsman's job to help keep it up and running for the thousands of vehicles that travel across it every day. The bridge, at just

under 9,000 feet long, is made with enough steel cable to encircle the globe three times. Because it's built on such an enormous scale, there aren't too many tight spots to get into on this architectural wonder. But if there were, the bridge's maintenance crew would undoubtedly use one of our Craftsman®

Stubby Wrenches. They're the perfect tools to use when a regular wrench just won't fit. Available in both standard and metric sizes, they

*With our Stubby Wrenches, you can tighten a bolt. Even in a very tight spot.*



are backed by the famous Craftsman lifetime guarantee. If any hand tool ever fails to give complete satisfaction, just return it for free repair or replacement. No questions asked. So next time you're

faced with a job where a normal wrench is just too bulky, reach for a Stubby Wrench. Craftsman tools are available at Sears, Sears Hardware Stores and online at [craftsman.com](http://craftsman.com). Since 1927, they've been the tools Americans have depended on. Whether they're working in a basement, or high atop one of the most famous bridges in the world.

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## **Exhibit A6**

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**why Craftsman**

**Made in USA**

**Craftsman quality. Made in America.**  
Since 1926, Craftsman has been one of the most respected brands in the world. The quality and dependability of Craftsman tools can be directly attributed to the thousands of American workers who have provided their skills and dedication to setting, maintaining and expanding the high standards of Craftsman quality.

► **Quality Products Built to Last**

► **Made in the USA**

► **The Tools Pros Use**

► **75 Years of Innovation**

► **Craftsman Helps You Keep America Strong**

► **Craftsman Helps Youth Grow Strong**

**Innovative air power from Jackson, Tennessee**  
Craftsman air power innovation is not a new concept. For over a decade in Jackson, TN and before in Toledo, OH over 1,250 employees have designed, developed and manufactured some of the most advanced air compressors in the world. From oil-free air compressors that require virtually no maintenance to the powerful Twin-V engine design, these dedicated people have never let up in their search for a superior product. Their latest innovation is the incredible line of Craftsman 175 max PSI portable air compressors. They provide the power of larger, stationary units in a much smaller, convenient and portable size. Once again, they've created a revolution in the air compressor industry, which is what we've come to expect from such a talented work force.

**Craftsman Speed-Lok™ drill/driver system. An American success story from Ronan, Montana**  
It's one of America's most popular and fastest growing line of power tool accessories ever. The Craftsman Speed-Lok drill/driver system began as an idea of an inventive University of Montana college student. It has grown into a remarkable array of products that put a welcome end to time-wasting chucking and rechucking when you change drill bits. Production of Speed-Lok first began with humble surroundings. It has since advanced to become one of the most innovative, high-tech manufacturing facilities in the world. Over 600 employees from the Montana community have made a strong commitment to quality and self sufficiency. The state-of-the-art technology that they've developed has resulted in innovative Craftsman tool accessories that help you work faster and more efficiently.

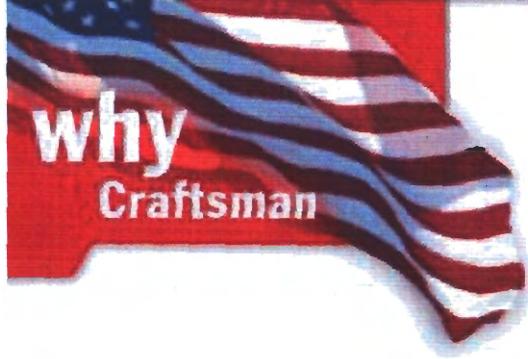
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**Why You Made Craftsman #1**  
Ever since their introduction in the 1926 Sears catalog, America has trusted Craftsman tools for dependable quality, outstanding value and versatile selection. Now after 75 years, Craftsman still keeps expanding the boundaries with constant innovation and higher standards of quality and performance. Craftsman tools help people of all experience levels work easier, faster and with excellent results.

**Quality Manufacturing Ensures Top Quality Tools**  
See why Craftsman has been ranked one of the top rated brands for overall quality in America.

**Made in the USA**  
Over 55,000 Americans, in over 100 towns across the country, work together to produce 80% of the over 5,100 Craftsman tools.

**The Tools Pros Use**  
Find out what a tool must go through in order to earn the Craftsman Professional name.

**75 Years of Innovation**  
Passed down from father to son to grandson, Craftsman tools have helped generations of Americans build a better life.

**Craftsman Helps You Keep America Strong**  
See how Craftsman tools have woven their way into the fabric of the American how-to culture.

**Craftsman Helps Youth Grow Strong**  
To help make America's future strong, we have several programs aimed at introducing, encouraging & educating kids to the world of tools.

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- **Made in the USA**
- **The Tools Pros Use**
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Club Members.

accessories that help you work faster and more efficiently.



Craftsman wrenches are among the highest quality products you can buy. They've been that way since they were introduced 75 years ago. Craftsman quality is the result of the hard work of thousands of your fellow Americans who have spent their entire careers designing, testing, manufacturing and servicing the brand of tools you've come to trust over all others.

This group of people is from Simsbury, Connecticut. They alone represent over 100 years of dedicated service and pride in producing Craftsman hand tools. It's their skills that have made it possible for many of us to reach in our tool box and perhaps grab a Craftsman wrench that our father or grandfather handed down to us decades before.

From the workers in the foundry, to the men and women in the testing labs, to those in the shipping and marketing offices, Craftsman tools continue to be a part of what makes America great.



**Craftsman tool storage equipment. An American family story.**  
Today, Craftsman tool boxes and tool chest/cabinet combos are the best selling brand of tool storage equipment in America.

It's a success story that began over 70 years ago when an immigrant from Yugoslavia, settled in Waterloo, Iowa. He began designing and manufacturing the very first Craftsman tool boxes.

His family continued the tradition, running the manufacturing plants that have been home to generations of designers, test engineers, assembly line workers and many key workers who have built Craftsman tool storage equipment ever since. Walk through the plant, and you'll find several people who are third generation in their families that work on Craftsman tool storage equipment.



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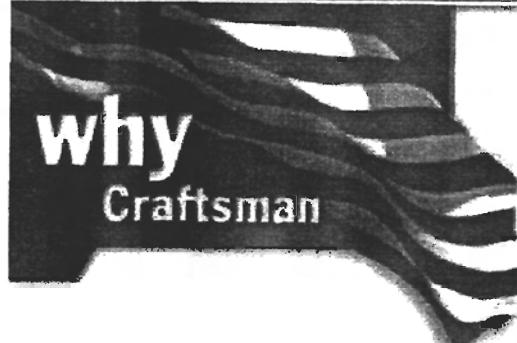
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- **Made in the USA**
- **The Tools Pros Use**
- **75 Years of Innovation**
- **Craftsman Helps You Keep America Strong**
- **Craftsman Helps Youth Grow Strong**

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#### **Quality Manufacturing Ensures Top Quality Tools**

See why Craftsman has been ranked one of the top rated brands for overall quality in America.

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#### **The Tools Pros Use**

Find out what a tool must go through in order to earn the Craftsman Professional name.

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See how Craftsman tools have woven their way into the fabric of the American how-to culture.

#### **Craftsman Helps Youth Grow Strong**

To help make America's future strong, we have several programs aimed

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at introducing, encouraging & educating kids to the world of tools.

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## **Exhibit A8**



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## Cool New Tools From Craftsman

Craftsman helps lead the way when it comes to developing and introducing new, innovative tools that help you work smarter, faster and easier. [Learn more](#)



**Cool New Tool**  
3/8 in. thin profile ratchet



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Craftsman is the official tool of  
NASCAR, NCTS & the NHRA

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Photo courtesy of High Sierra

**NASCAR**

**Craftsman. The Official Tools of NASCAR**

**Celebrating 10 Years as sponsor of the NASCAR Craftsman Truck Series**

The NASCAR Craftsman Truck Series goes back to its future in 2005.

Mike Skinner, Ron Hornaday Jr. and Jack Sprague won the first three championships in the history of the 10-year-old series. Among them, they won five of the first six and six championships overall. This year, they're all back to swap sheetmetal and trade paint again in a series that has become a crossroads for racers on divergent career paths...[View Article](#)

**Craftsman Racing News**

NASCAR CRAFTSMAN TRUCK SERIES AND ITS DRIVERS MARK MAJOR MILESTONES IN 2005 [Read More](#)

**CRAFTSMAN** **FAST FACTS**

Feb 25, 2005

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## NASCAR Craftsman Truck Series

American Racing Wheels 200 (California Speedway)

### Race Results

Driver	Make	Pts/Bonus
1) Steve Park (62)	Dodge	185/5
2) Bobby Hamilton (4)	Dodge	170/0
3) Ricky Craven (99)	Ford	165/0
4) Todd Kluever (50)	Ford	160/0
5) Ted Musgrave (1)	Dodge	155/0

[View Full Race Results](#)

### Season Standings

Driver	Make	Pts
1) Bobby Hamilton (4)	Dodge	355
2) Ricky Craven (99)	Ford	330
3) Jimmy Spencer (2)	Dodge	321
4) Ted Musgrave (1)	Dodge	310
5) Matt Crafton (88)	Chevrolet	280

[View Full Standings](#)

### Upcoming Events

Date	Track	Location	Network
Mar 18, 2005	World Financial Group 200	Atlanta Motor Speedway	SPEED
Apr 9, 2005	Kroger 250	Martinsville Speedway	SPEED

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### FAST FACTS

Feb 27, 2005



## NASCAR NEXTEL Cup Series

AUTO CLUB 500 (California Speedway, Los Angeles, CA)

### Race Results

Driver	Make	Pts/Bonus
1) Greg Biffle (16)	Ford	185/5
2) Jimmie Johnson (48)	Chevrolet	175/5
3) Kurt Busch (97)	Ford	170/5
4) Jamie McMurray (42)	Dodge	160/0
5) Carl Edwards (99)	Ford	160/5

[View Full Race Results](#)

### Season Standings

Driver	Make	Pts
1) Kurt Busch (97)	Ford	340
2) Jimmie Johnson (48)	Chevrolet	335
3) Mark Martin (6)	Ford	301
4) Carl Edwards (99)	Ford	287
5) Greg Biffle (16)	Ford	273

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### Upcoming Events

Date	Track	Location	Network
Mar 20, 2005	GOLDEN CORRAL 500	Atlanta Motor Speedway, Atlanta, GA	FOX
Apr 3, 2005	FOOD CITY 500	Bristol Motor Speedway, Bristol, TN	FOX

[View Full Schedule](#)

### FAST FACTS

Mar 6, 2005



## NASCAR Busch Series

Mexico 200 (Autodromo Hermanos Rodriguez)

### Race Results

Driver	Make	Pts/Bonus
1) Martin Truex Jr. (8)	Chevrolet	190/10
2) Kevin Harvick (21)	Chevrolet	175/0
3) Carl Edwards (60)	Ford	165/0
4) Shane Hmiel (32)	Chevrolet	160/0
5) Boris Said (1)	Dodge	155/0

[View Full Race Results](#)

### Season Standings

Driver	Make	Pts
1) Kevin Harvick (21)	Chevrolet	515
2) Carl Edwards (60)	Ford	454
3) Clint Bowyer (2)	Chevrolet	433
4) Martin Truex Jr. (8)	Chevrolet	423
5) Reed Sorenson (41)	Dodge	414

[View Full Standings](#)

### Upcoming Events

Date	Track	Location	Network
Mar 19, 2005	Aaron's 312	Atlanta Motor Speedway	FX
Mar 26, 2005	Pepsi 300	Nashville Superspeedway	FX

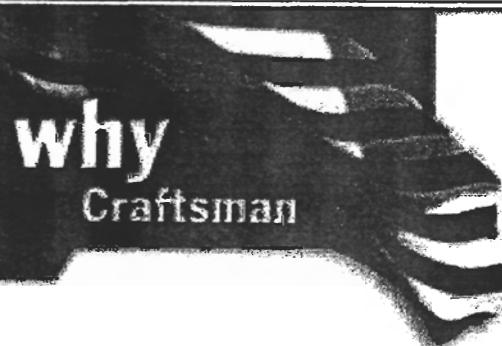
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### **Why You Made Craftsman #1**

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## why Craftsman

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Need more advice? Tap into the network of Craftsman Club Members.

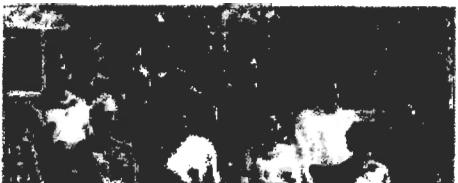
accessories that help you work faster and more efficiently.



Craftsman wrenches are among the highest quality products you can buy. They've been that way since they were introduced 75 years ago. Craftsman quality is the result of the hard work of thousands of your fellow Americans who have spent their entire careers designing, testing, manufacturing and servicing the brand of tools you've come to trust over all others.

This group of people is from Simsbury, Connecticut. They alone represent over 100 years of dedicated service and pride in producing Craftsman hand tools. It's their skills that have made it possible for many of us to reach in our tool box and perhaps grab a Craftsman wrench that our father or grandfather handed down to us decades before.

From the workers in the foundry, to the men and women in the testing labs, to those in the shipping and marketing offices, Craftsman tools continue to be a part of what makes America great.



**Craftsman tool storage equipment. An American family story.**  
Today, Craftsman tool boxes and tool chest/cabinet combos are the best selling brand of tool storage equipment in America.

It's a success story that began over 70 years ago when an immigrant from Yugoslavia, settled in Waterloo, Iowa. He began designing and manufacturing the very first Craftsman tool boxes.

His family continued the tradition, running the manufacturing plants that have been home to generations of designers, test engineers, assembly line workers and many key workers who have built Craftsman tool storage equipment ever since. Walk through the plant, and you'll find several people who are third generation in their families that work on Craftsman tool storage equipment.



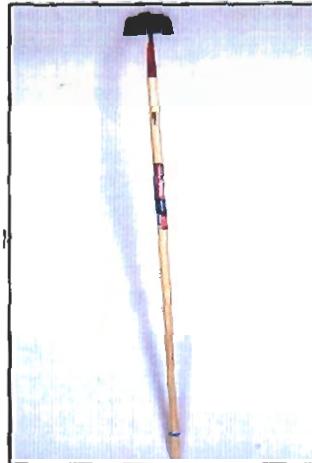
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to Top**

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**CHILDREN'S PRIVACY POLICY**, Revised effective 07/01/2004 © 2005 Sears Brands, LLC All rights reserved.

## **Exhibit B**



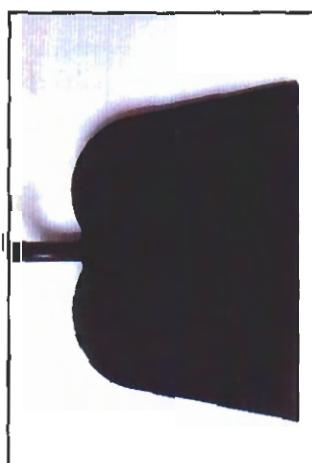
DSC\_0079



DSC\_0101



DSC\_0078



DSC\_0084



DSC\_0077



DSC\_0083



DSC\_0076



DSC\_0082

## **Exhibit C**



DSC\_0040



DSC\_0039



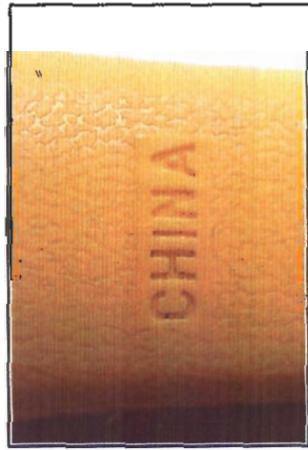
DSC\_0038



DSC\_0105



DSC\_0037



DSC\_0041

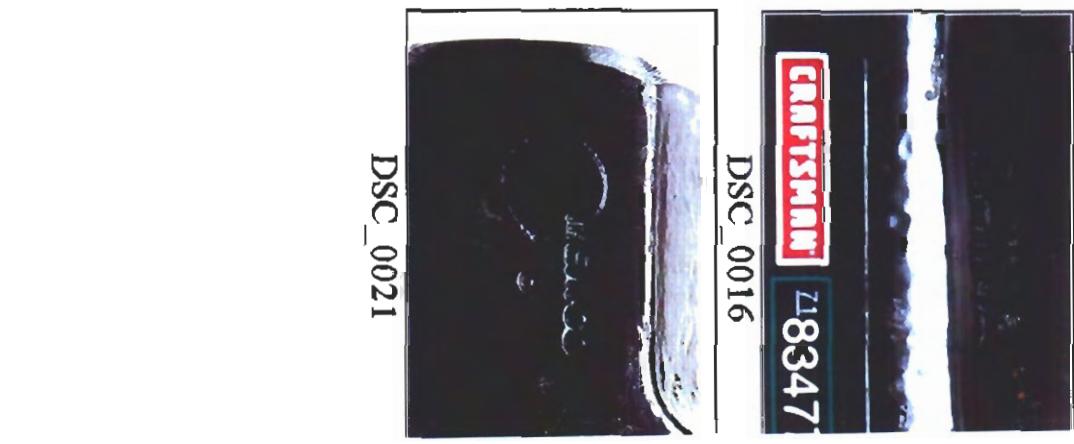
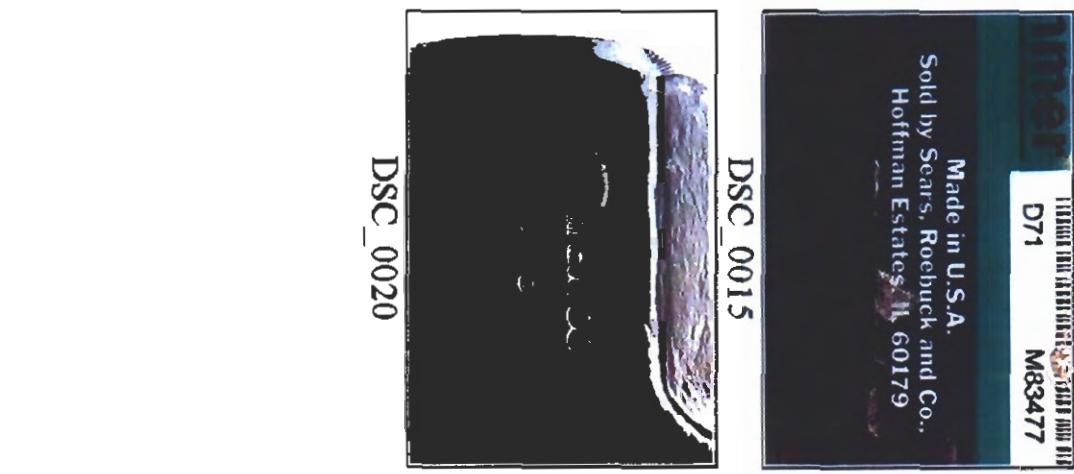
+3

11/30/2004

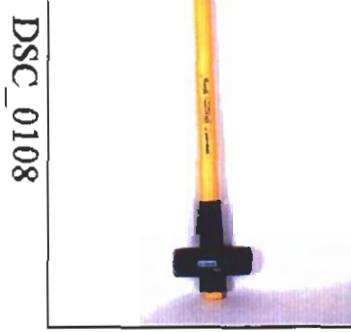
## **Exhibit D**



## **EXHIBIT E**



DSC\_0017



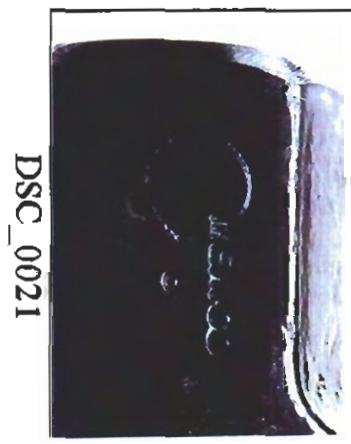
DSC\_0018



DSC\_0020



DSC\_0021



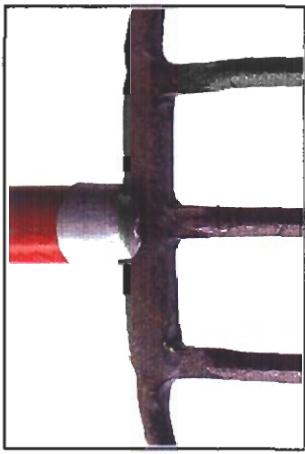
+0

11/30/2004

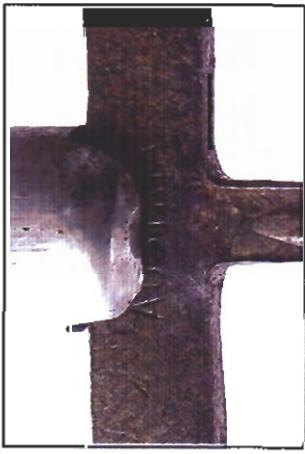
## **EXHIBIT F**



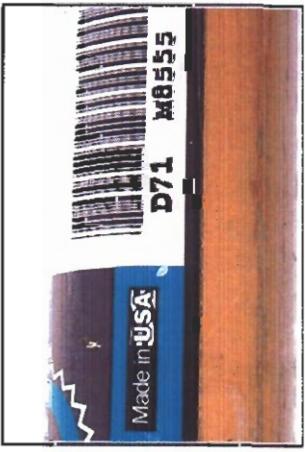
DSC\_0100



DSC\_0092



DSC\_0091



DSC\_0090

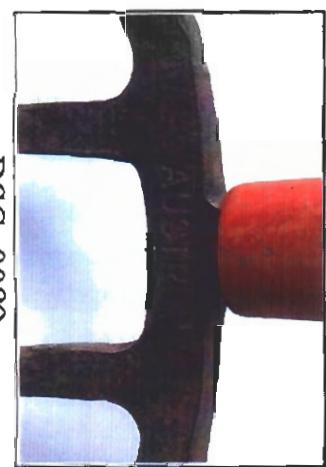
## **Exhibit G**



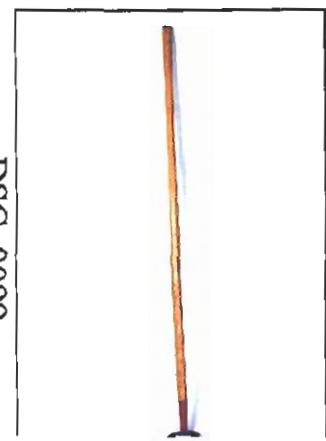
DSC\_0085



DSC\_0087



DSC\_0089



DSC\_0099

## **EXHIBIT H**

DSC\_0107



DSC\_0028



DSC\_0024



DSC\_0029



DSC\_0025



DSC\_0030



DSC\_0026



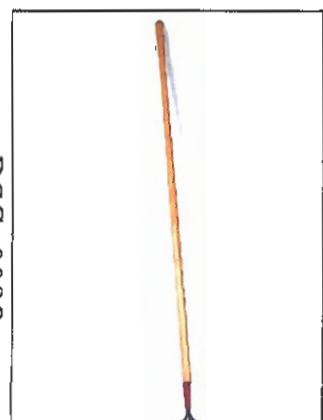
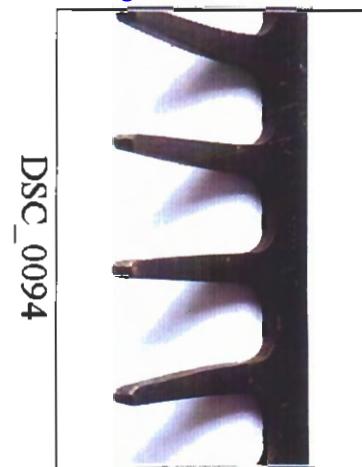
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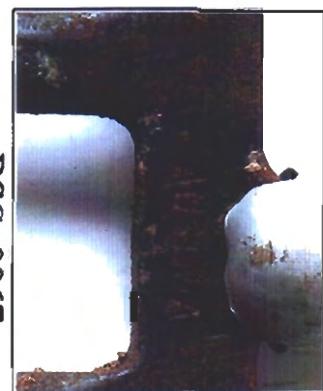
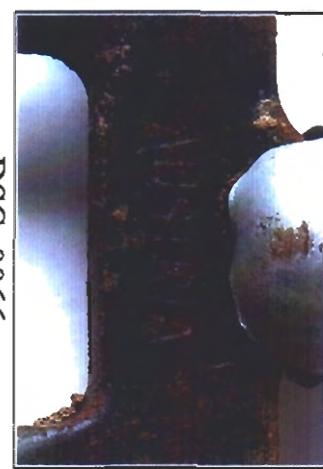
DSC\_0027



## **EXHIBIT I**



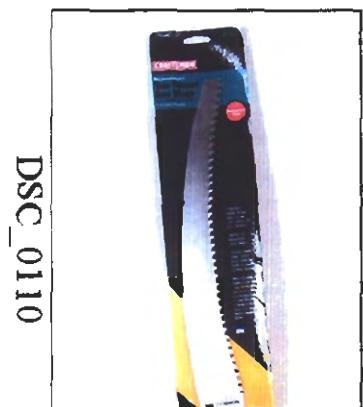
## **EXHIBIT J**



+0

11/30/2004

## **Exhibit K**



DSC\_0047

DSC\_0048

DSC\_0049

DSC\_0110

+2

11/30/2004

## **Exhibit L**

3/16/2005

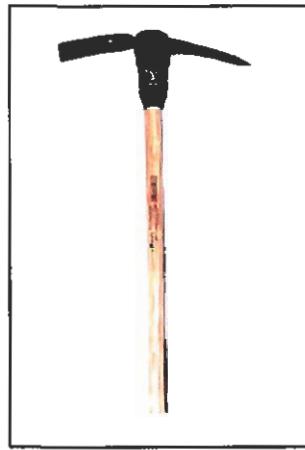
+8



DSC\_0679



DSC\_0672



DSC\_0661

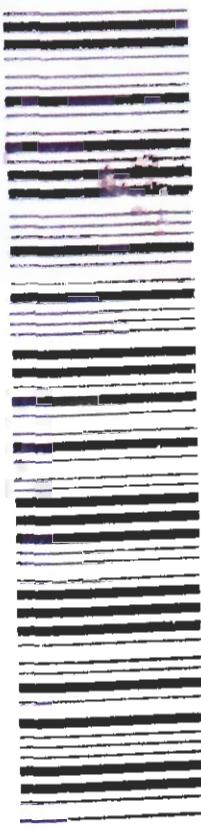




**CRAFTSMAN®**

7183808

**Pick  
Mattock**



D71 M83808

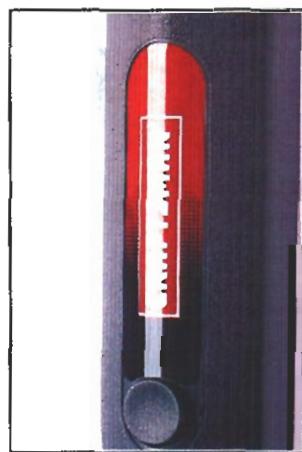
**Made in U.S.A.**

**Sold by Sears, Roebuck and Co.,  
Hoffman Estates, IL 60179**

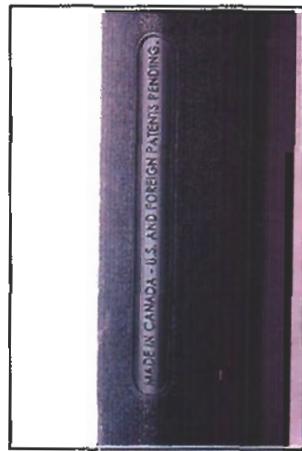
## **Exhibit M**



DSC 1039



DSC 1037



DSC 1036



DSC 1031



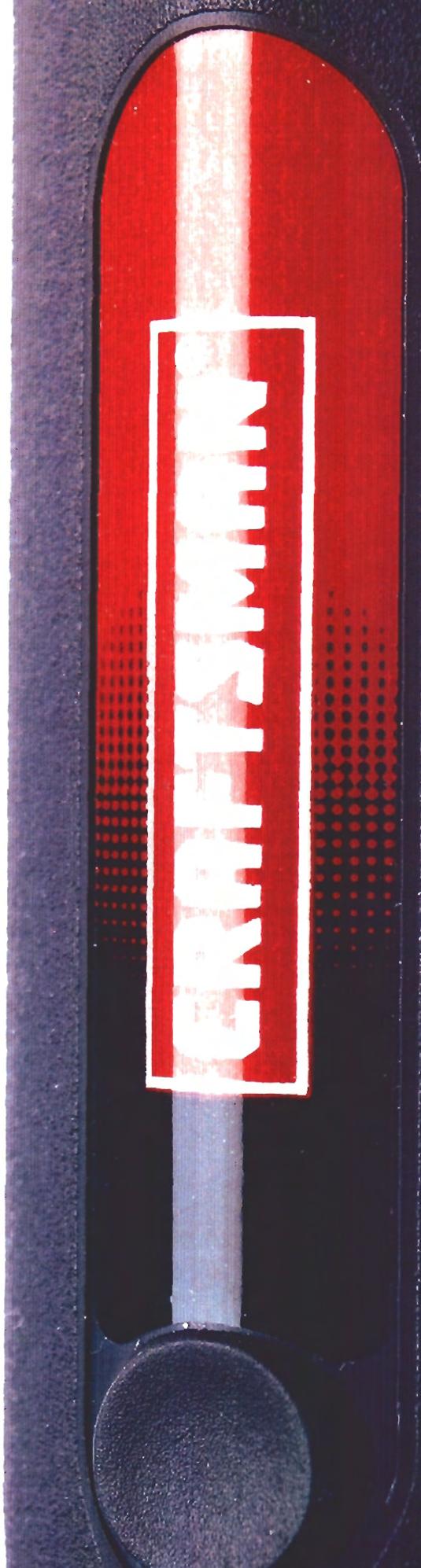
DSC 1044

4/6/2005

6



MADE IN CANADA - U.S. AND FOREIGN PATENTS PENDING.



**STEP 1:**  
PULL BACK  
TO "CLICK"

**STEP 2:**  
POINT ARROW  
TO SELECT BIT

**STEP 3:**

PUSH FORWARD  
TO LOAD BIT

## **FULL UNLIMITED WARRANTY ON CRAFTSMAN HAND TOOLS**

If any Guaranteed Craftsman Hand Tool ever fails to give complete satisfaction, **RETURN IT TO THE NEAREST SEARS STORE IN THE UNITED STATES** and Sears will replace it, free of charge.

This warranty gives you specific legal rights and you may also have other rights which vary from state to state.

Sears, Roebuck and Co.  
D/817WA, Hoffman Estates, IL 60179

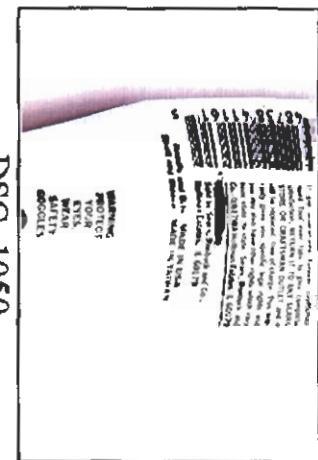
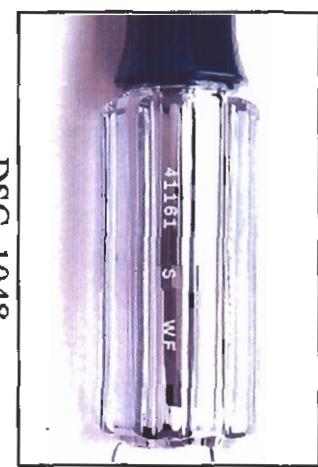
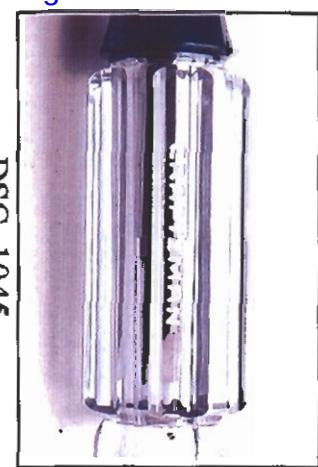
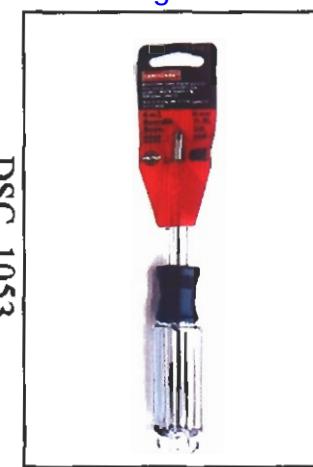
## **CONTENTS MADE IN CANADA**

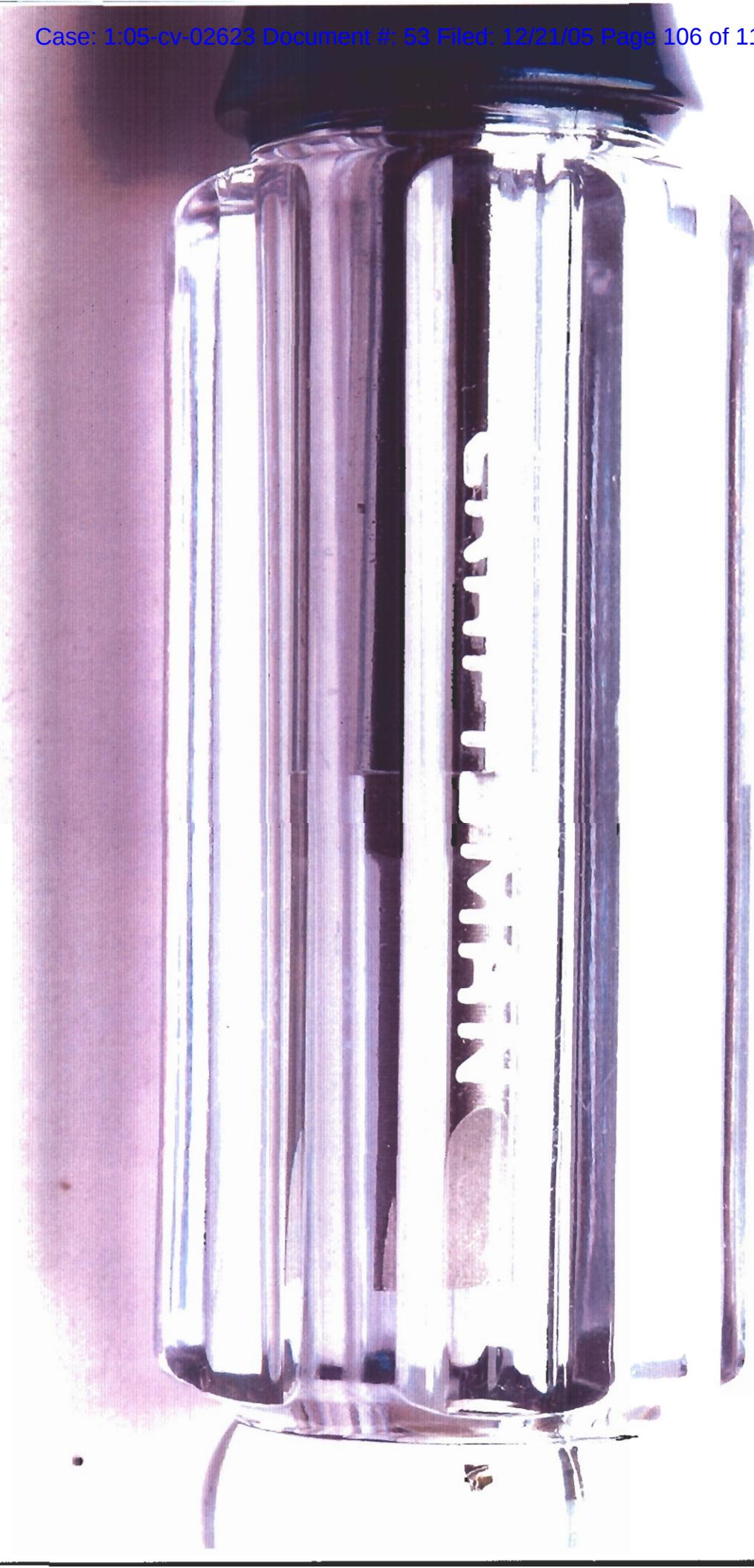
Sold by Sears, Roebuck and Co.  
Hoffman Estates, IL 60179

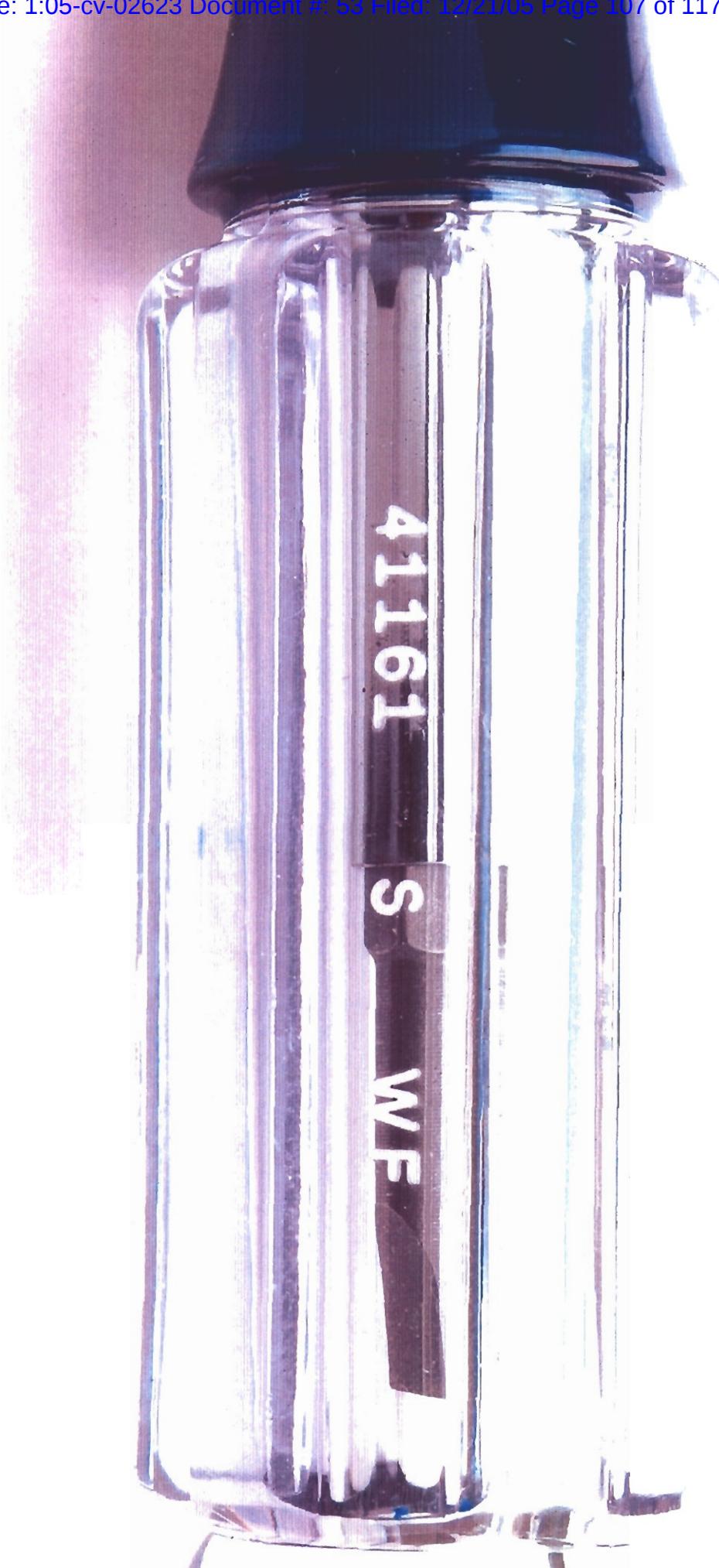




## **Exhibit N**







487384716191

If any Guaranteed Forever Craftsman Hand Tool ever fails to give complete satisfaction, RETURN IT TO ANY SEARS STORE OR CRAFTSMAN OUTLET and it will be replaced, free of charge. This warranty gives you specific legal rights and you may also have other rights which vary from state to state. Sears, Roebuck and Co., D/817WA Hoffman Estates, IL 60179

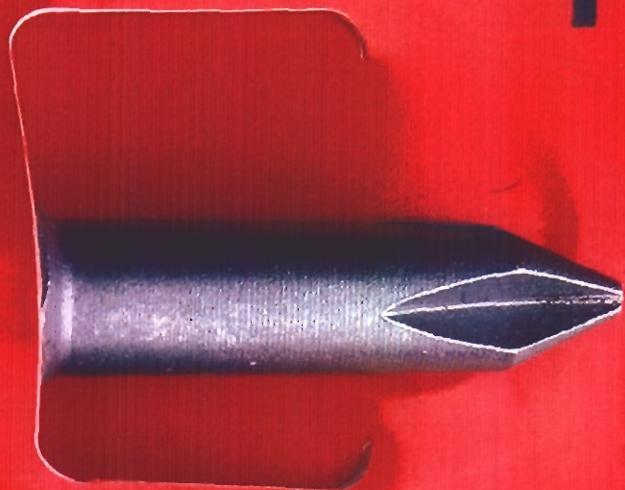
Sold by Sears, Roebuck and Co.,  
Hoffman Estates, IL 60179

Handle and Bits - MADE IN USA  
Shaft and Sleeve - MADE IN TAIWAN

**WARNING:**  
**PROTECT**  
**YOUR**  
**EYES,**  
**WEAR**  
**SAFETY**  
**GOGGLES.**

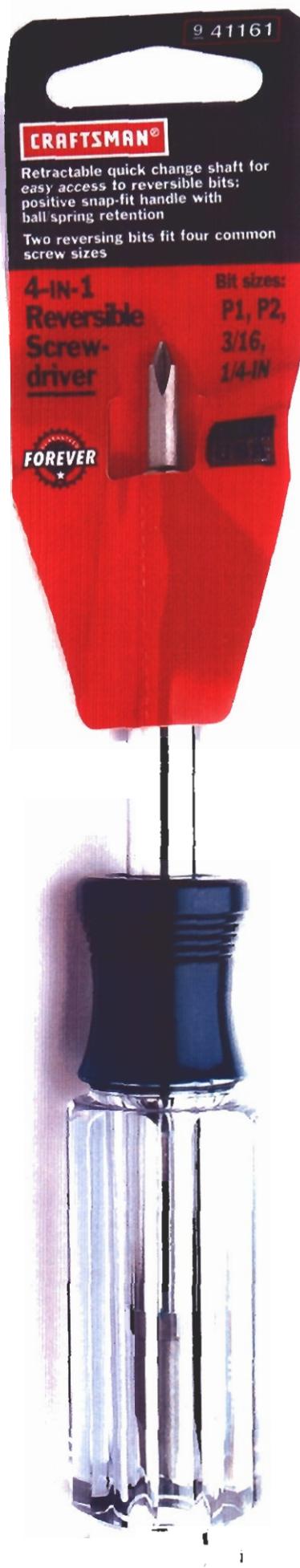


# 4-IN-1 Reversible Screw- driver



Bit sizes:  
**P1, P2,  
3/16,  
1/4-IN**





## **Exhibit O**



DSC\_0683



DSC\_0682



DSC\_0681



DSC\_0667



DSC\_0686









